MAKING AMERICA SAFE FOR DEMOCRACY

Making America Safe for Democracy

THE REFERENDUM AN INSTRUMENT OF GOVERNMENT

By

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INTRODUCTION

PRESIDENT WILSON in an address to School Officers, August 25, 1917, appealed for such teaching in schools as would give "A new application of the problems of national life, and a deeper understanding of the meaning and aims of Democracy."

Co-operating with the President, the school authorities offered prizes for essays on the subject. Under the impetus of the war for the perfection of democracy, the foremost advocate of the rights of the people anticipated a quickening of the minds of the people to a knowledge of the essential forms and functions of a model government-by-the-people.

In compliance with the desire of the Chief Executive of our great nation, this manuscript has been written, without competing for a school prize, but with the hope that it may have a share in advancing the development of free government and gaining the approbation of the author's fellow-citizens.

The particular subject discussed is our National Constitution, with its perfections and defects, and especially the impossibility of a fair, intelligent and equitable amending of the same by means provided in itself.

The criticism is constructive. Something better can be devised and the old replaced by improved methods. A grandson must not be accused of sacrilege and a lack of veneration, because he offers to remove his grandmother's side-saddle to the garret and present her with an automobile.

This seems to have been the view of President Wilson as he wrote:

> "The charm of our constitutional ideal has long enough been wound up to enable sober men who do not believe in political witchcraft to judge what it has ac-

complished, and is likely still to accomplish, without further winding.

"*The constitution is not honored by blind worship.* The more open-eyed we become, as a nation, to its defects, and the prompter we grow in applying with the unhesitating courage of conviction all thoroughly tested or well considered expedients necessary to make self government among us *a straightforward thing of simple method, single, unstinted power, and clear responsibility, the nearer will we approach to the sound sense and practical genius of the great and honorable statesmen of* 1787.

"And the first step toward emancipation from the timidity and false pride which have led us to thrive despite the defects of our national system rather than seem to deny its perfection is a fearless criticism of that system.

"When we shall have examined all its parts without sentiment, and gauged all its functions by the standards of practical common sense, we shall have established anew our right to the claim of political sagacity, and it will remain only to act intelligently upon what our open eyes have seen in order to prove again the justice of our claim to political genius."

—WOODROW WILSON, "Congressional Government," pages 332-3.

The Constitution is the machinery of democratic government. It is the guiding apparatus and the running gear, and gives form to the body of the chariot of state.

If a dealer in automobiles had sold his customer a "1900 Model" and guaranteed it to run for many "centuries," and at the same time refused to supply repair tools, making it impossible, or by design making it difficult, to repair the machine, he would have placed the owner in a like position to our people in relation to their Constitution.

Car owners demand the best tools, that they themselves may repair their machines, and have assurance of safe traveling, and of avoiding long delays.

Americans demand the very newest and most improved

"models," and in 1918, anticipate the "1919 Model," and wait for it impatiently. The Constitutional model of 1787 no longer satisfies any more completely than does the automobile model of 1900.

Democracy is being discussed, examined, tested and compared. Nations are fighting for the ideals of Democracy. The car of Democracy has arrived in a bad place in the road. It admittedly needs repairs and reconstruction to bring it up to present date efficiency. But we find that we have no repair tools. Without them we shall make little progress, or we may break down completely. What we need, and are seeking for, are repair tools of the best sort, that the People driving and controlling the democratic car shall not be impeded in their progress of national achievement. We need an amending, or repairing Article for our Federal Constitution.

The improvement of government is the best motive, and the most justifiable aim, impelling the writer of this analysis and criticism of our ancient Constitution of the "Model" of 1787.

In considering the products of the labors of a body of men in convention, it is necessary to know the conditions that environed the members, the economic affairs of their constituents, the social views of the period, and a thousand and one trends which guided them and their ancestors to their political thoughts and actions.

With such knowledge, and differentiation, the mainsprings of action of the Constitutional Convention of 1787, may be understood and explained, its successes commended and its failures charitably condoned.

To gain full knowledge, would require the reading of many volumes of impartial history. While not fully adequate for the purpose, a brief epitome of facts will assist the reader to understand the conditions which surrounded the members of the Convention and the tremendous difficulties which they

overcame by the diligent labor of active intellects, supported by patriotic motives.

Then he may appreciate and value the product of the work accomplished—the Constitution of the United States—the grandest foundation of government of its time.

In its making, it was criticised, and its makers acknowledged that it was imperfect, for they provided for its unmaking and change by inserting an amending article.

If the Constitution does not meet the needs of the present time, and modern democracy, the fault lies in the generations which succeeded the "Fathers" for not having made use of the powers to amend. Had their successors done so, and progressed, there would now be no cause for complaint. That we have not grown politically in an evolutionary manner, is not the failure of the "Fathers," but our own omission.

The work of the founders of this Government will be treated reverently, and from necessary briefness and abrupt incisiveness, and distinct comparisons, to demonstrate the necessity for a change, the highest good for our nation may only be inferred.

A Brief View of the Convention

The Continental Congress recommended to the State Legislatures that they send delegates to a convention for the purpose of "forming a more perfect union," etc.

On Monday, May 14, 1787, the date set for convening, delegates from but six of the thirteen States appeared. Nothing was accomplished until May 25, when delegates from eight States organized the Convention by electing George Washington its presiding officer.

It was ninety days before delegates from twelve States appeared. Rhode Island was not at any time represented, its legislature having refused to send delegates. Some of the delegates were bound by their legislatures not to form a new constitution, but merely to amend the old "Articles of Confederation." The delegates from the small States demanded

the same voting power in the Convention as the large States; and the delegates for Delaware were instructed to insist on an equal vote of States in any congress to be formed by the constitution; ten appointed delegates did not attend; some not being in harmony with the objects of the Convention and others being suspicious, the renowned Patrick Henry saying that he "smelt a rat" and would not be a member. Sixteen who attended the Convention refused to sign the final draft of the Constitution. A rule was passed to hold the proceedings in absolute secrecy and no member was to take notes of the proceedings off the journal from the convention hall without a special permit. Prior to final adjournment, a motion was made to burn the official journal, but a substitute was adopted to place it in the hands of the Secretary to be held by him until otherwise ordered by Congress. Congress after many years, published the "Secret Proceedings of the Convention," a few copies of which are in existence.

The Convention had no funds. It had no model for a republican form of government, except the ancient republics of Greece and Rome, which were of no value to an occidental democracy. The delegates had before their minds the partial democracy of England which, by its conglomerate mixture of a little democracy with large parts of aristocracy and monarchy, served rather to confuse and obscure the end sought for—the formation of a constitution of a government purely democratic.

There was much confusion of opinion about the departments of government, their divisions of powers, and the tenure of their officers. Some delegates were suspected of monarchial leanings. Delegates proposed that the President should hold office for life, others that his term of office should be for seven—others for nine—years, and that he should be ineligible to succeed himself; that he should have power to prorogue Congress, etc.

Many delegates advocated a single body for the Congress. All lengths of terms were proposed for members of Congress—

that electors should be landowners, or "possessed of one thousand Spanish milled dollars of their present fineness and value"; that senators hold their seats "during good behavior"; that members might have the "right to vote 3 proxies"; that members of Congress be equal in number from all the States; that representation in the Senate be according to "wealth of States;" that governors of the States be appointed by the Federal authorities.

Greed for undue power manifested itself in the demand for disproportional representation between the States—an imitation of the "rotten borough" system of England.

The States with large maritime interests planned for special favors for their shipping, including a profitable slave carrying trade. Slavery existed, and was tolerated in all the states, and it was fondly fostered in the Southern ones. Propositions were made to abolish slavery, and to stop the slave trade.

The promoters of the various "special interests" were not strong enough to separately secure their designs, so they resorted to "log rolling," and three States "swapped work" with three others, and obtained their selfish desires by a vote of 7 to 4 on two questions; whereas the real sentiment on the questions, separately, was 7 to 4 against both.

Two classes agreed on an attempt to make the Constitution unamendable,—the egotists who prided themselves that they could make constitutions so perfect that future generations would need no change; the other class were the "interests" who wanted to be so intrenched by an unchangeable fundamental law, that they would have no fears of being disturbed in their "privileges."

In time opposite councils prevailed against these two classes, and instead of adopting an article "That this Constitution is unamendable," the Convention agreed on the following:

> "On the applications of the Legislatures of two-thirds of the States in the Union for an amendment to this Constitution, the Legislature of the United States shall call a convention for that purpose."

This amending clause provided for "conventions" of the people to amend their constitution, and is a comparatively simple method of amendment, only requiring the application of two-thirds of the States.

A large element were not pleased with this simple amending provision, and succeeded in supplanting it with the present amending clause which makes the method of amendment almost insuperable, as the process of amendment is trammeled by the securing two-thirds of both Houses of Congress to propose amendments, and the ratification of them by the Legislatures of three-fourths of the States. Besides making our constitution almost impossible of amendment, this change was also made for the purpose of buttressing up slavery and the slave trade, and preventing direct taxation for a time, and to secure for all time equal suffrage for the States on an unequal basis of population, and establishing States control, against the people's control.

Several delegates declined to sign the completed draft of the Constitution, one of them declaring that the government "would end either in monarchy or a tyrannical aristocracy; which, he was in doubt, but one or the other, he was sure."

The completed constitution was then signed by 39 delegates from 12 States and on the 17th of September, 1787, the Convention adjourned *sine die* after having accomplished one of the most stupendous acts of history.

That the Constitution does not conform to modern requirements but, as the courts say, in some cases must be "adapted" to present needs is an argument that it should be more easily amendable. If the courts, while we look the other way, are permitted to bend the Constitution by a strained "construction," on a future occasion, they may break it by a forcible destruction. A constitution should be so plain and workable that it would be subject to "strict" construction and serve its purpose—and no liberties should be permitted with it. This danger and its cause was indicated by Woodrow Wilson years ago:

> "The process of formal amendment of the Constitution was made so difficult by the provisions of the Constitution itself that it has seldom been feasible to use it, and the difficulty of formal amendment has undoubtedly made the courts more liberal, not to say more lax, in their interpretation than they otherwise would have been. The whole business of adaptation has been theirs, and they have undertaken it with open minds, sometimes even with boldness and a touch of audacity." *
> —WOODROW WILSON, "Constitutional Government in the United States," page 193.

These are strong words, and they are used by one who was unequaled in knowledge of discriminating in the meaning of words in the English language. That a branch of government should be compelled, or find it necessary or convenient, to attain an end to become bold and audacious in playing at a construction of the people's fundamental law is most dangerous to the perpetuity of the government.

The excuse is that "the process of formal amendment of the Constitution was made so difficult, etc.," that amendments have not been made to meet modern needs. Then, to save our constitution from being a football of construction, and to serve our needs, and preserve the dignity of our government, our first duty is to form and adopt a new amending article, for if "adaptation" and "construction" are continued, we may finally be unable to recognize our democracy in the remnants of the government.

The author in making a case for a more democratic, and flexible method of amending the Constitution, relies solely on facts, the testimony of patriotic statesmen, and the public and open advocacy of the measure. He is aware that on the other hand, there are those who by covert acts and secret methods are trying to prevent a change in the amending article. They have designs to use the present method to "put over" on an unwilling and helpless people, undemocratic, chimerical romanticisms, which they christen "great moral causes." To accomplish their objects, they are using

intimidations, pledges for a political price, secret and clandestine organizations and other political, unmoral methods.

They will undoubtedly strike at this book and its author, using the modes of submarine attack to which they are most accustomed. Well, they should unburden themselves. This is a country of free speech, and political argument should be *open.*

The author, with approval, quotes Woodrow Wilson to them for their guidance:

> "We have learned that it is pent-up feelings that are dangerous, whispered purposes that are revolutionary, covert follies that warp and poison the mind; that the wisest thing to do with a fool is to encourage him to hire a hall and to discourse to his fellow-citizens. Nothing chills nonsense like exposure to the air; nothing dispels folly like its publication, nothing so eases a machine as the safety valve."

Those who desire fair and open methods used, and that all citizens be represented and acting in the formation of their constitutions will fight on the opposite side from the filchers of freedom, for we stand firm to the principles of our great Chief Executive:

> "We shall fight for the things which we have always carried nearest our hearts—for democracy, for the right of those who submit to authority to have a voice in their own government."
>
> —PRESIDENT WILSON to the United States Congress, April 2, 1917.



WILLIAM PENN

WILLIAM PENN

"There we lay a foundation for after ages to understand their liberty, as men and Christians, that they may not be brought in bondage, but by their own consent, for we put the power in the People."—*William Penn*, Agreements for Colony of New Jersey.

MAKING AMERICA SAFE FOR DEMOCRACY

CHAPTER I

THE WORLD STRUGGLE FOR THE PEOPLE TO RULE THEMSELVES—CONSEQUENCES, IF THE WAR IS LOST—THE CRUSADES, AN IDEALISTIC WAR AGAINST THE INFIDEL—THE EFFECT OF ITS LOSS ON "THE FAITH"—THE EFFECT OF THE STRUGGLE FOR DEMOCRACY, BOTH AT HOME AND ABROAD—DANGER TO OUR DOMESTIC DEMOCRACY—THE DUTY OF THE GOVERNMENT TO THE INDIVIDUAL.

ALL of the powerful nations of the world have passed through a fierce struggle—a devastating and destructive war, by land and by sea, in which all the engines of death and destruction were operated on the earth and underneath the earth, on the sea and below the sea; hurling deadly missiles from the sky; propelling stifling and noxious gases and flames; projecting tons of metal for scores of miles; and using explosives, a single cargo of which destroyed an entire city.

In this great struggle millions were killed, billions were maimed for life, and myriads died from privations and diseases.

The resources of the nations, accumulated and made precious by toil and self denial, were demolished without recompense, and national debts, to increase destruction, were contracted, which will burden future generations to their deprivation and commercial hindrance—burdens awaiting the backs of children on the day of their births!

What was the cause for this slaughter of men, the waste and destruction of material resources, and the financial handicapping of the unborn?

The Allied Powers asserted that they contained the essentials of democracy, and by progress would soon perfect the rule of the people in their own countries, and were able by war to force a model democracy on other nations.

Listening to the declarations and appeals of the Allies our altruistic and generous President demanded that Congress should declare and enter the war and join the Allied Entente Powers in making these sacrifices of men and material things that an ideal might be gained, a dream of justice, namely, "To Make the World Safe for Democracy." To enter the struggle as an "Associate" of the Entente Powers against the Central Powers to overthrow Military Autocracy and establish Militant Triumphant Democracy.

The first essential to accomplish was to preserve the reputation of our Associates for being immaculate democracies, and so a law was passed forbidding Americans using freedom of speech in criticising our Allies.

An American democratic right had to be suspended to protect some of our associates in being able to shine as beacons of Democracy. Our own people up to that time were free to criticise their own government, but from thence on they were forbidden to criticise our foreign Allies. A few ignorant people who were of ill will, refused to believe that the alleged causes of the war were the true ones, but happily for the cause of Democracy, they were soon all in jail, for Amendment I to the Constitution was suspended, and free speech and free press were only allowed to those who wanted to "Make the World Safe for Democracy."

The contest was of enormous material loss, and the sacrifice of human life was a holacaust so much more precious than the blood of bullocks, that as a reward, the world must make sure of the ideal Democracy which it was fighting for, hungering for, dreaming of, weeping for, and through its tears groping for.

It is affirmed that the attainment of this ideal Democracy is worth all the sacrifices made therefor, including the

temporary suspension of Democracy in America. But in the event that the sacrifices made are lost, by failure to attain "Democracy," by inability to affranchise the common people, by not "securing autonomy for the smaller peoples," that they may be able "to work out their self-determinations," and thus remain hopelessly in subjection to dominating autocracies; if the present professed large democratic nations should retrograde in their democracies, or remain in their present positions of war-time autocracies, or fail to progress onward in an evolutionary improvement of their democracies; then, the terrible sacrifice will be lost, and no other gain could recompense for the ruination of a world. The volcano of Mars would have disrupted and entombed all things, the world would be empty of materials, and void of ideals, without hope, and black in despair.

In the wars of the Crusades the allied armies of Christian kings fought for no material gains, but entirely for the ideal of "rescuing the Holy Places from the custody of the infidels." These "holy wars" lasted intermittently for almost two centuries without victorious result except a temporary occupancy of Jerusalem by King Godfrey.

The idealism in these wars was the physical and spiritual establishment of the Christian religion by overthrowing and supplanting the religion of Mohammed. Christian peoples were enthusiastic, and aroused by religious frenzy, but to no end or purpose, for after the "holy wars" ended, Mohammedanism increased in area of influence and in its number of adherents; while on the other hand Christianity, in the absence of its crusading armies, became less Christian, and produced feudal barons who oppressed the poor. The prolific seeds of heresy, discord and division were sown, which finally sprang into many warring divisions of the Church, which, before it undertook the "holy war" to make Christianity safe in the world, had been practically a unit. The "Great Schism" occurred, military Knights increased in power and pride, and entered into struggles with the temporal

and spiritual powers for ascendency. The returning "Christian soldiers," brought with them the superstitions of the infidel East, and corrupted the "true faith" with the necromancy and alchemy of the Orient, so that the symbols of the Cross and Crescent were profanely intermingled.

The democratic liberties of the individual were supplanted by blind obedience to "superiors," and free men, who had formerly dwelt in homes, became the victims of and tribute payers to rapacious feudal lords.

The total result of these holy wars was a loss to religion, to morals, to personal liberty, to the right of property and self government of the people who engaged in them. While the Crusaders conferred no spiritual benefits on the Saracens, they acquired none of their virtues, but, to the permanent injury of the Knights contracted many of the vices of the Mohammedans.

The Entente Powers, eight centuries after the Crusades, fought to uphold and to propagate a true form of government, which deals with the temporal affairs of men. The Crusaders were fighting to uphold and spread what they assumed "The Only True Faith," which had to do with the spiritual welfare of men. Their banner was the Cross, and on it was the motto, *"In hoc signo vinces;"* and by the sign and by the principles of their religion they hoped for victory—but failed.

The modern crusade has on its banner *"Democracy"* and the motto, *"Liberty, Equality, Justice."*

At the forefront of the great struggle, on the rostrum stood the great American President, preaching a Holy War with all the fervor and fierceness of "Peter the Hermit" and demanding that vast armies be dispatched to far countries to establish "democracies" for these foreign people and rescue them from tyrannous autocracies. Clear voiced and without rhetorical shams he declared "that governments derive all their just powers from the consent of the governed, and that every people should be left free to determine its own policy, its own way of development unlimited."

With noble generosity he proclaimed, "We have asked nothing for ourselves that we do not ask for the whole world," and he was fearful that we might, by disregarding his counsel, do something which would "break the heart of the world."

With strong oratory he proclaimed the objects of the war in part as follows:

> "Open covenants openly arrived at," and that no people should be bound by treaties made in secret.
> "Absolute freedom of navigation upon the seas.
> "Self determination of little peoples.
> "A general association of nations to secure future peace."

Our most zealous preacher of war was so absorbed with the subject that he stated that he "heard the voices of the air" and "saw visions" and "dreamed dreams." Yet he proclaimed himself in sympathy with the masses, and announced that his plans were "practical," and moreover "purifying" and "elevating."

He said at the Paris Peace Conference:

> "If I may believe the picture which I see, there comes into the foreground the great body of the laboring people of the world—the men and women and children upon whom the great burden of sustaining the world must from day to day fall. These people will be drawn into the field of international consultation and help. So I think I may say of this document. . . . that it is a practical and humane document. There is a pulse of sympathy in it. There is a compulsion of conscience through it. It is practical and yet it is intended to purify, to rectify, to elevate."

This commentary will discuss what "democracy" is, according to the doctrines of the Fathers and Apostles of Democracy, and as measured by their definitions, what perfection American Democracy has attained, and what imperfections, if any, it must overcome to bring it to a greater degree of excellence.

We have learned from Thomas Jefferson, the Chief Apostle of Democracy in the United States, that the Government of a Democratic State has duties toward individual citizens; and that men have the right to Life, to Liberty and to the Pursuit of Happiness, which are inalienable, and can not be taken away by any process, so long as the individual is obedient to the rules of the government; that it is the function of a Democratic government to secure and maintain these rights for men, and for that object this Government was instituted.

The Declaration of Independence is the "Creed" or "Confession of Faith," as laid down for American Democracy by fifty-six Apostles of Democracy in Council assembled. They wrote and signed it with a willingness to be martyrs and sacrifice all, and declared that "for the support of this DECLARATION . . . we mutually pledge . . . our lives, our fortunes and our sacred honor."

In succeeding chapters Democracy will be analyzed as defined by its Fathers, and our actual American Democracy will be compared with ideal democracy, and if found deficient by the standards of the Apostles of the faith, these deficiences will be indicated, and remedies suggested.

Enemies who were digging and attempting to undermine our Democracy at home, while our armies were fighting for it in foreign lands, will be disclosed, and methods proposed for their defeat and the destruction of their works.

The monopolists, who carry the "Judas bag," and who would betray Democracy for money, are active, and are conjuring with the charm of "Democracy" as a lure to a disguised Plutocracy.

We may find the dangers to Democracy greater at home than they are abroad; and that we have a need for as strong a "Rear Guard" as for an "Advance Army." If so, we must prepare efficiently and defend our free institutions. Failure to do so may cause us losses which would compare with the disastrous results which occurred in the Christian

countries during the Crusades—a loss to the Cause instead of a gain—a retrogression instead of an advance. We know that "Eternal vigilance is the price of Liberty."

Charming rhetoric and insincere slogans often allure into the camp of the enemy to the enslavement of him who is deceived by seductive phrases.

The charters of our American government were written in the spirit of truth and with a ring of sincere honesty. Let us return now to the study and contemplation of these gospels of Democracy, which have been temporarily laid aside and which we are now asked to discard for that which masquerades as the "New Democracy" but is a restriction of liberty.



GENERAL GEORGE WASHINGTON

Painted in 1788 by Col. John Trumbull, an aide-de-camp of Washington and son of Governor Jonathan Trumbull.

(From "One Thousand Years of Hubbard History.")

GENERAL GEORGE WASHINGTON

"The basis of our political system is the right of the People to make and alter their Constitutions of Government."—*Washington*, in Farewell Address.

CHAPTER II

GOVERNMENT

THE NEED AND DEMAND FOR GOVERNMENT—THE STATE AND GOVERNMENT —FORMS OF STATES AND GOVERNMENTS—THEOCRACIES, ABSOLUTE MONARCHIES—LIMITED MONARCHIES—DEMOCRACIES.

PEOPLE in all ages from the earliest periods have associated themselves into nations or States and have adopted a Government for such State as was most agreeable to their civilizations. There should be a clear distinction made between States and Governments. The State is the aggregation of people limited to a given territory, and the Government is the method of enacting and enforcing laws which are made for the control of the citizens of the State. Governments have been felt to be necessary to secure the proper relations of the individual citizens of the State, the security of property rights, the maintainance of harmony and public order. the defense of the State against disruption by rebellion or attacks from external enemies.

Perhaps the earliest form of government was that of the Patriarch who was Chief or Father of a tribe, frequently nomadic in habits and at best a large family which could hardly be classed with what we denominate our modern States, which have fixed boundaries and permanent habitations.

Next was the Theocracy—A State assumed to be governed by the immediate direction of God, who gave His commands to the subjects through His representatives (as was Moses). The people had no choice but absolute obedience, and no voice whatever in the form or method of their governments.

Of all forms of ancient governments, theocracies have been the most pernicious and tenacious, and have used assiduous efforts to secure a degree of power in all forms of governments.

Theocracy has, in reality, rightfully to do with a man's future state or spiritual welfare, while civil governments have to do with his temporal welfare and leaves his spiritual welfare under the control of the conscience of the individual.

But theocratic intermeddlers with civil governments are persistently and continually attempting, by secret means, to induce the civil governments to pass laws, the enforcement of which would conform the individual's actions to a code of morals laid down by the Theocrat.

In securing the State's aid, the Theocrat secures a form of morals agreeable to his will, and *his law* enforced on the citizen by means of the power and wealth of the State. What the Theocrat can not do by appealing to the conscience and free-will of men, he accomplishes by using the force of the State—and as individuals, the citizens cannot resist the Theocratic dictation which has been adopted by the State.

In all modern governments the "Ten Commandments" of the Mosaic Law are the basis of the principles of both the civil and criminal statutes. They permeate and influence the laws to a degree which is almost limitless. At the present time the Theocrat attempts to punish actions which are not of themselves evil, but causes them to be punished, under heavy penalties.

In the beginnings of governments, when Theocracies ruled, these laws were accepted as the will of God, and the will of the person was subordinated to the will of His representative—the Theocrat. Under such rule the individual was a mental slave—he had no will, but was under complete obedience to laws which he had no part in making.

Later came the Absolute Monarchy allied with the theocratic element—State and Church combined—and under this form of government its subjects had no part.

Next developed the Limited Monarchy, with a specially recognized religion to which the people were bound as the State-Church. The citizens had limited liberties and political privileges granted them, but were compelled to subscribe to a "Covenant," a "Test Oath" an "Oath of Conformity" or "Acts of Uniformity" as suited their cleric political controllers.

While under this latter form there was more liberty than under the preceding forms, yet the citizens were subjected to "Heresy trials," "Blue Laws," and the maledictions of the Theocratic side of the government.

Then Democracies were organized on the principle embraced in the United States Constitution, that "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof,"—thus declaring the absolute divorcement of Church and State.

But there is a trend for religious rule which is grasping for power and control by law of the modes of life and habits of men. No longer able to force all men to their ideas of how they should live, the Theocratic elements call to their aid the authority of law as a club of compulsion, and demand that the State shall join with them in enforcing their rules of conduct.

They form Political-Religious organizations, quasi-secret bands, and by massing their forces, intimidation of the voters and the law makers, and securing secret pledges and promises, well concealed from the public, they endeavor to obtain the passage of Statutory and Constitutional laws to compel the people to live according to their ideas, with no choice on the part of the individual.

These organized Theocrats would force the citizens to adopt their versions and applications of the Laws of Moses —and for good measure they have added to the Ten Commandments several more commandments of their own invention, that have no kinship to Divine authority and are inconsistent with Scripture.

This actual, but unavowed, joining of Church and State is a danger to the harmony of the Nation. It could not be accomplished if the people were not denied a voice by cumbersome methods in the making of laws, whereby self-seeking minorities obtain undue power by well financed lobbies, by terrorism, and secret methods applied to law making bodies.

Clandestine politics are repugnant to Democracies. "Free will" is the foundation of liberty. In forming the United States Government by the provisions of its Constitution it seemed to the Convention most conducive to the safety of the nation and the happiness of the individual, to grant the citizen certain specific inalienable rights upon which the governments of the States or nation could not encroach. These are specified in Amendment I, guaranteeing free speech, free press, free assemblage and free religion. Article IV, protecting the homes of the people from unwarranted searches and seizures; by Article V, preventing the confiscation of property without compensation, and to emphasize and give double assurance that these rights were firmly and irrevocably held and that the National Government had assigned *limitation* of power and that the people and the States had reserved and retained all those powers not specifically granted to the United States as enumerated, Articles IX and X were adopted, which are as follows:

> Article IX—"The enumeration in the Constitution of certain rights shall *not* be construed to deny or disparage others *retained* by the people."
> Article X—"The powers *not delegated* to the United States by the Constitution nor prohibited by it to the States are *reserved* to the States respectively, or the People."

These articles of the Constitution were made to guarantee to the individual free scope through his freedom of will in exercising his choice in personal freedom, by which only happiness may be attained.

In other phrase the object of these safeguards was "the largest liberty of the individual consistent with public order."

To destroy the personal liberty of the individual is the fanatical object of the Theocrat and Autocrat. Their first attack is on these guarantees in the Constitution, which they seek to accomplish by the adoption of nullifying amendments by means of Article V and the use thereby of lobbied legislatures, against the will and consent of the people whose rights are being nullified.

The logical method by which the rights of the people may be safeguarded is to amend the Constitution's amending clause, Article V—so that no amendment shall be adopted except by "the consent of the governed," and in harmony with public opinion.

A familiar example of Theocratic government within the United States is the Mormon Church, which took possession of the Territory of Utah, and ruled openly as a Theocracy for many years and is now ruling by secret methods the political officers of that State and their representatives in the National Congress, dominating them by "Church Councils" the "apostolic authority," the boycott, the "anathema" and other ecclesiastical terrors. Their church influence extends clandestinely to business, and promotes or destroys the prosperity of citizens, according to the will of the secret political-religio "Church-State."

To make sure of continued power, these Mormon Elders were early in establishing woman suffrage, knowing that women are more subject to control by Theocratic Autocracy than men, and blindly obey the clergy; that women were inept students of political science, and invincibly ignorant of the principles of Democracy, and tractable to religious dictation. The Mormons adopted woman suffrage for the purpose of retarding Democratic progress, and maintaining Mormon Theocratic dominance.

A good example of Theocratic government and its effect in restricting democratic action and fettering individual lib-

erty is seen in a village in northern Illinois where a "High Priest" and his "Apostles" rule by controlling the ballots of a cringing congregation, who believe that disobedience is a sentence to hell.

In that miniature heaven on earth no tobacco can be used; if used the offender will land in jail, and be subjected to banishment and annulment of his 999 year lease. No pork or oysters may be taken within the sacred portals; all inhabitants must be in bed by an ordered hour, and when meeting a fellow "Saint" the citizen must salute and proclaim, "Peace be unto thee," no matter how much he may feel to the contrary.

Modern Theocracy mixed into our government destroys the roots of Democracy, and leaves nothing for the will of the people to control or accomplish. The Theocrat is always willing to grant you the right to worship God and do other things according to the dictates of the Theocrat's conscience and to exercise full religious, political and personal liberty according to his prescriptions and limitations.

A little theocracy mixed in democracy is bad, and if it is not prevented, will grow worse; for theocracy grows as rapidly as a fungus, and will sap the life from any plant on which it hangs and from which it sucks its substance. Theocracy does not allow the people to make their laws, leads not, but commands, and drives with threat of anathema,—"Thou shalt not!" "for *I* make the laws for thy good. I choose better for thee than thou can'st choose for thyself." These are the principles of a dominant Theocracy.

The intrusion of Theocracy into temporal government is a danger to both and of no benefit to either. The advice of Christ to "render unto Caesar the things which are Caesar's, and unto God the things that are God's" is much better than the contrary diction by the modern theocratic despots.

Democracy is an old form of government, but it is only in the last two centuries that democracies have become strong

as world powers and have made evolutionary progress toward a higher perfection.

The Fathers of the American Republic definitely stated of government "That to secure these (personal) rights, Governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it and to institute a new government leaving its foundations on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness."



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JOHN MARSHALL

JOHN MARSHALL

"The People made the Constitution, and the People can unmake it; it is the creation only of their own will and lives by their will. But this supreme and irresistible power to make or unmake resides only in the whole body of the People and not in any subdivision of them."—*John Marshall.*

CHAPTER III

SOVEREIGNTY

"Sovereignty is, and remains in the People."—JAMES WILSON.

SOVEREIGNTY is the supreme power as possessed by the State. It is superior and paramount and exclusive to all other power. It never ceases to exist until the State is dissolved.

Sovereignty is the power exerted by the State through and by means of its government.

Sovereignty is the power inherent in all forms of States and their governments. Without soverignty a State could have no government—and anarchy would ensue.

The sources of sovereignty, as claimed by different forms of States are various. The Theocrat claims his power dependent on "The Will of God." The Absolute Monarch claims it as depending on his own Imperial Will, sometimes coupled with "The Divine Right." The Limited Monarch holds that his power comes from the "Right of Succession," (frequently based on "Divine Right"), and a Constitution granted to the people and accepted by them, or made by the people, which recognizes the Monarch and his successors as rulers, but places limitations on his prerogatives and powers.

A Democracy derives its soverign powers from the People, who are governed thereunder. The People make, adopt and establish a Constitution, which is the basic or "supreme law of the Nation," to which all other laws made by the representatives of the People in Legislatures must conform.

A Democratic Constitution has for its aims the Granting

of Power; the Division and Balancing of Power; the Limitation of Power, and the Reservation of Power.

The Power granted by a democratic Constitution is given to the Executive, Legislative and Judicial Branches of the State, and is divided between them. The Limitation of Power is usually made to safe-guard personal rights in the individual, which in a large sense are considered "inalienable" or "natural" rights. These limitations of power are largely expressed in the ten first amendments to our Federal Constitution; they forbid. They are a "thou shalt not" mandate to the government. Of them the first is a good type:

> "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the rights of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Articles IX and X expressly "reserves and retains" all rights to the States and to the People unless specifically granted to the Federal Government.

As a Democratic constitution is made by the Sovereign power of the People, it can not be suspended or nullified by any other power.

The United States Supreme Court in considering the securities for personal liberty, in 4 Wall, (71 U. S.) 2, known as the Milligan Case, declared:

> "The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism."
>
> "The question of the right or authority of the government, in time of war, to suspend a newspaper was never judicially raised. . . ."

"Under the authority of the case known as the "Milligan Case," decided in 1866, we are bound to assume that the Supreme Court of the United States would have declared such a suspension illegal and unwarranted by the Constitution at any point where the civil tribunals were in full force, even in time of war."

—STEARNE, "Constitutional History of United States," pages 139-140.

SOVEREIGNTY LIMITED

National Sovereignty is limited to the boundaries of the nation, or to a three mile extent of water adjacent to the high seas, which are "free" to all nations. Nations also maintain sovereignty on their ships which fly their flags; and by treaty rights, sometimes maintain courts of special jurisdiction in foreign nations.

There are cases where a nation assumes a qualified sovereignty in another State which is under its "protection," or mandate. This implies a partial subjection of the "protected" State and a surrender of its government power, —its sovereignty.

The "States" of the Federal Union in most respects have independent sovereignties. A familiar example is the obligation of a Governor of a State to make a requisition on the Governor of another State for permission to secure the arrest of a fugitive from justice from the first state. States may not be invaded by the power of other States. But by the Federal Constitution there is permitted the invasion of the Sovereignty of one State by others, which is against the general doctrines of sovereignty, and which may prove vicious in operation, and destructive of democracy—i. e. the right of local self-government by the people.

This peculiar misapplication of sovereignty will be fully discussed in succeeding chapters, and its evils will be demonstrated.

The ideal of the American Government is expressed by Theodore Parker, (1850) as:

"A democracy—that is a government of all the people, by all the people, for all the people."

We shall ascertain when examining the full provisions of the Constitution and the mode of its amendment, whether our Democracy measures up to the Parker ideal, and whether or not the Federal Union is a democracy; and whether there is not an urgent necessity of "Making Democracy Safe for America."

SOVEREIGNTY USURPED BY MINORITIES

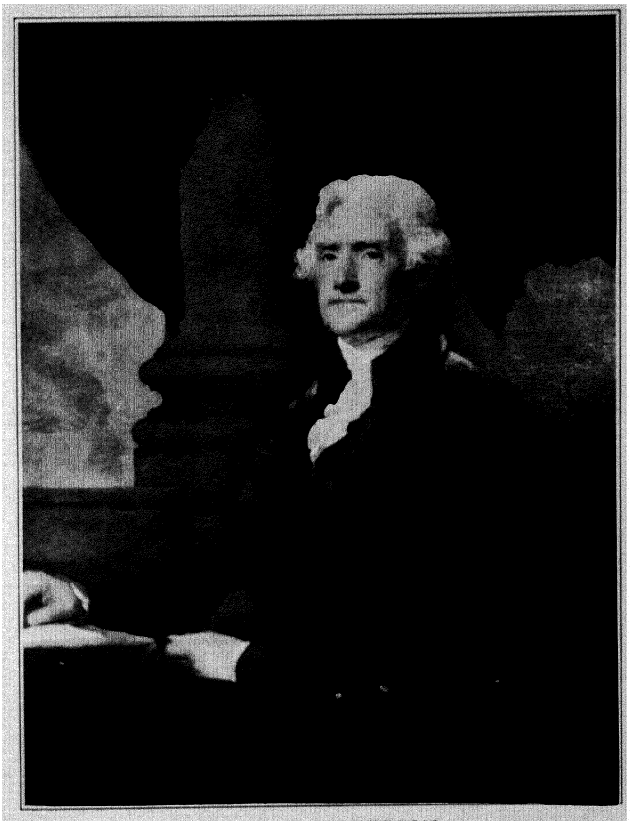
In democracies, the sovereignty or power of government is inherently lodged in, and exercised by the majority—under safeguards established in the Constitution, protecting the rights of the minority—and any wresting of sovereignty from the majority is revolution or usurpation of power. It represents an oligarchy by force or fraud in defeating the democracy of the masses.

Such usurpation of power may occur in the States by the connivance of cliques, etc., and in contravention of the Constitution. In true democracies the action of minorities controlling the sovereignties is repugnant to the essence of the government. But the National Government contradicts the democracies of the States by making it constitutionally possible for the minority of the people of the United States to control and govern the majority. For a so-called democratic nation to base its sovereignty on the wills of a minority is the denial of the rule of a majority of the people, and a surrender by the majority of the governing power to the minority. This oligarchy could only gain the mastery over the majority by a grouping of small States, which overthrow by state power the will and rights of a majority of the people made powerless by an undemocratic national constitution.

This method of assuming the rule and government over the habits and customs of the people by granting to 80,000 citizens of one State the same power as 10,300,000 people of another State have, is as evil in principle and practice as the

subjection of these citizens of the larger States as vassals and subjects of foreign governments, whose rules of conduct and harsh enforcement of law are abhorrent to their subjected peoples.

Patriotic citizens, who are advocates of democracy and of the rights of the individual, and of local self government by the several States, to the end that justice may be done, that harmony and loyalty may prevail and the Union endure supported by free peoples in auto-dynamic commonwealths, should insist on constitutional amendments conforming to the true principles of democratic government—that rule by the people may be made possible.



THOMAS JEFFERSON

THOMAS JEFFERSON

"We have not yet so far perfected our Constitutions as to venture to make them unchangeable. . . . We consider them not otherwise changeable than by the authority of the People on a special election of representatives for that purpose expressly."—*Thomas Jefferson*, 1924.

CHAPTER IV

DEMOCRATIC CONSTITUTIONS

THEIR ORIGIN—THEIR FORMATION, ADOPTION, RATIFICATION.

"There we lay a foundation for after ages to understand their liberty as men and Christians, that they may not be brought in bondage, but by their own consent,—for we put the power in the people."
—WM. PENN, Concerning Agreements for Colony of New Jersey, 1676.

THE basis of Democratic government is the Constitution. It forms the State. The Constitution forms the Government-State, and defines governmental powers and sovereignty in action. The Constitution outlines and safeguards the personal liberties of the citizen—it protects the minority against tyranny by the majority. It defines rights and prescribes duties.

THE OBJECTS OF GOVERNMENT

are well defined by Burgess in Political Science and Constitutional Law, Vol. I, page 89:

> "These . . . are the ends of the State: first, the organization of Government and of Liberty, so as to give the highest possible power to the government consistent with the *highest possible freedom in the individual;* . . . from the standpoints furnished by which, finally, the world's civilization may be surveyed upon all sides, mapped out, traversed, made known and realized."

The conditions for an ideal government under the democratic State, are that the government shall have "the highest possible power," and this is to the end that the Government defines, grants and defends "the highest possible freedom in

the individual." A government with little power has little to give and no strength to defend the liberties of its citizens. Therefore, only a strong government can give full personal liberty to its citizen and defend him in its possession and retention. The great concern among the People should be that democracies should be made strong and maintained in strength for the protection of the personal liberties of their citizens.

In the "balancing of powers" between the Executive, Legislative and Judicial branches of government, and in the provisions forbidding the encroachment of the head of one branch of government on the duties of another, perhaps the greatest danger of failure lies. For such encroachment and usurpation the constitution does not provide a definite remedy with certainty of correction and punishment. For this weakness of the National Government those who are striving to make democracy safe in America should devote their best abilities to secure a remedy.

In making constitutions of government as stated by William Penn, "the power is in the People," that "they may understand their liberty," that "they may not be brought in bondage," that they be not bound to government restrictions, "but by their own consent."

After all, the ideal democratic government is the exercise of the "Freedom of the Will" of the individual in harmony with and subordination to the will of the mass, whenever the popular will is honestly and fairly ascertained, without undue pressure from distracting and perverting influences. Therefore, the person who claims for himself and his class a vast superiority over the mass of citizens, and denies their ability to reason and to exercise their "free will," is in nature an aristocrat or autocrat, and is not competent for democratic citizenship, because he does not understand the principles of democracy.

Democratic constitutions which are the outline and framework of the government under which the people live and

must render their obedience, are originated by the People, formed by the People, adopted by the People, and ratified by the People. If factions form Constitutions otherwise they are embezzlers of the Rights of the People.

After the formation and adoption of a Fundamental Law by a Democracy, it is unlike the laws of the Medes and Persians, which were immutable and not subject to change. Democratic Fundamental Laws may at any time be changed, subject to the will of a majority of the people as recognized by the Declaration of Independence—"It is the Right of the People to alter or to abolish it," etc. etc.

The development of popular government or "Democracy" based on Constitutions defining fundamental laws and established by conventions of delegates elected by the people, the Constitution being finally ratified by the votes of a majority of the people, has been, and will continue to be, an evolutionary process of social political forces. These social political forces can not stand still, but will move forward with as great certainty as do the forces of material nature.

As precedents and examples from the Fathers of Democracy in America the following facts from early political history are cited:

Thomas Jefferson opposed the making of a Constitution for Virginia by an assembly which had not been elected by the people for that purpose. Jefferson had all along denied the powers of this Virginia body to enact a permanent Constitution. He maintained that the instrument thus framed was of no higher force than an ordinary statute, and hence repealable by the legislature.

(Writings of Jefferson, Vol. III, page 363.)

Therefore Jefferson writes of an outline for a Constitution which he drew for the Assembly as a bill, and he intended that before becoming effective that it should be submitted to the voters, for he closed it with this significant provision:

> "It is proposed that the above bill after correction by the Convention shall be referred to the people to be

assembled in their respective counties; and that the suffrages of two-thirds of the counties shall be requisite to establish it."

Jefferson also in his draft proposed that the people participate in any proposed change or amendment of their constitution, as it provides:

> "None of these fundamental laws and principles of government shall be repealed or altered but by the personal consent of the people on summons to meet in their respective counties on one and the same day by an act of the Legislature to be passed for every special occasion; and if in such county meetings the people of two-thirds of the counties shall give their suffrage for any particular alteration or repeal referred to them, . . . the same shall be accordingly repealed or altered, and such repeal or alteration shall take its place among these fundamentals and stand on the same footing with them, in lieu of the article repealed or altered."

The action of some of the New England States in referring the new Federal Constitution to the People for their action is a chapter in the history of American democracy which is of great instructive value.

A majority of the New Hampshire convention had been instructed against ratification.

> "It was on this account that the Exeter convention took a recess. In the course of their debates and deliberations many had found reasons to change their views, *but before they would act on their new opinions they insisted upon again consulting their constituents.* An adjournment was taken for nearly four months, and the delegates were thus enabled to refer the question once more to the people of their respective towns. It was not till this was done and a change of popular sentiment had been indicated that the Federal Constitution was ratified in New Hampshire.
>
> "And along with ratification came a suggestion of amendments and alterations to meet the objections raised by the people."—WALKER, "History of the New Hampshire Convention," page 29.

MASSACHUSETTS

In June 1776, the Massachusetts Legislature (General Court) appointed a committee to report plans for a constitution. This failed of success, for according to Barry's History of Massachusetts,

> "the opinion was generally expressed that the subject should originate with the people who were the proper authorities to attend to this matter."

In a majority of the towns in Worcester County it was resolved that it would not be proper for the General (Court) Assembly to enact a constitution but that,

> "A State Congress chosen for the sole purpose of forming a Constitution of Government" should be convened for that purpose."

After the reception of these refusals of the people of Massachusetts to permit the General Assembly to form a constitution, it on May 5, 1777, adopted the following:

> "Resolved that it be and is hereby recommended to the several towns and places in this State, empowered by the laws thereof to send members to the General Assembly, that, at their next election of a member to represent them, they make choice of men in whose integrity and ability they can place the greatest confidence; and in addition to the common and ordinary powers of representation, instruct them with full powers, in one body with the Council, to form such a Constitution of Government as they shall judge best calculated to promote the happiness of this State; and when completed, to cause the same to be printed in all the Boston newspapers and also in hand-bills, one of which to be transmitted to the Selectman of each town, or the committee of each plantation, to be by them laid before * * * at a regular meeting of the inhabitants thereof to be called for that purpose, in order to its being * * * duly considered and a return of their approbation or disapprobation be made into the Secretary's office of this State * * * and if it shall appear that the said Form of Government is approved by at least two-thirds of those who are free, and 21 years of age, then the General Court (Assembly) shall be empowered to

> establish the same as the Constitution and Form of Government of the State of Massachusetts."

In this democratic spirit, and after complete fulfillment of the conditions of the resolution the legislature was elected and framed a Constitution. This Constitution was submitted to a referendum vote of the people, and was by them rejected by an approximate vote of ten thousand to two thousand.

The method advocated by the people had not been observed and as Barry says:

> "The opinion was still current that a convention was the proper body to decide upon a constitution for the State and that no other body could successfully discharge that duty."

Pursuant to this mandate of the people, the Massachusetts Legislature called a referendum to determine whether the people desired a Convention especially elected to frame a constitution. A large majority was cast in favor of a constitutional convention. Members to such a convention were then elected, framed a constitution, and submitted it to the voters on condition that it would require *two-thirds* of the vote cast to adopt it. It was so adopted.

The Massachusetts Constitutional Convention declared as a principle by resolution: "That it is of the *Essence* of a free Republic that the People be governed by *Fixed Laws* of THEIR OWN MAKING."

This constitution was so well made for the needs of the people, by the people, that "it still survives with prestige unimpaired, supplemented only by amendments which time has made necessary." This people-made basic law has been largely the model of many others which have followed it.

The people of Massachusetts were accorded the right to vote on the acceptance or rejection of "The Articles of Confederation" which in most of the other States were merely ratified by the legislatures. So that the people of Massachusetts themselves had a formative part in the Confederation—to them it was truly "the people's law."

John Adams had taught the people that it was necessary "that the people should erect the whole building with their own hands," and to that end, that the Convention called by them should be limited to the single function of *proposing* constitutional provisions, leaving it to the electors by their *fiat,* pronounced through the ballot box, to give these provisions the force and effect of law.

RATIFICATION OF THE PRESENT FEDERAL CONSTITUTION

The ratification of the Federal Constitution bound only those States which ratified it and the ratifying States did not by their local sovereignties presume to extend their powers over other States, and force them into the Union.

It is provided by Article VII of the Constitution that,—

> "The ratification of *the Conventions* of 9 States shall be sufficient for the establishment of this Constitution between the *States so ratifying the same.*"

The Constitution of the United States was ratified by the people of the United States. The people assembled in Conventions called for that purpose, and not by the Legislatures of the States.

The members of these conventions were selected by the people for the purpose of adopting or rejecting the Constitution. It is evident that the National Constitutional Convention intended that the *people* should rule in determining the Constitution.*

This lodgment of power in the people is made distinct and emphatic from the fact that Article XIII of the Articles of Confederation was ignored in passing Article VII of the present Constitution.

Article XIII of the Articles of Confederation commanded *no alteration of said Articles should at any time thereafter be made unless such alteration be agreed to in a Congress of the United States,* and "be afterwards confirmed BY THE LEGISLATURE OF EVERY STATE."

By changing the power of ratification from the Legislature of the States to special Conventions of the people, selected for that duty, the power of the people as the makers of fundamental law was recognized.

In the same Article 7, it was established that the sovereignties of the people of one State should not be extended over the people of another State, for the action of the people was only "between the States so ratifying the same"—and, not even three-fourths of all the States could force on the people of the other fourth a fundamental law which was obnoxious to them and against their desires.

But by the adoption of our present Constitution, the application of the practice of Democracy has retrograded, for the formation and adoption of our Constitutional law has been taken entirely from the people, and lodged in two-thirds of Congress and in three-fourths of the Legislatures—neither of which are required to be elected on the issues involved. With a possibility that the ratifying bodies represent only a minority of the people—and that States with thousands of votes overcome States with millions—a rule by minorities is thus provided and enforced in a so-called democratic government. And the sovereign power may be exercised by a minority. Besides which the people of States do not confine their sovereignty to their own States, but enforce their authority on the people of other States.

* (Jameson, The Constitutional Convention, page 36.)

THE ARTICLES OF CONFEDERATION

The mode in which the ratification of the Articles of Confederation was effected is deserving of notice as bearing on the legitimacy of that Constitution. It was ratified by the States, and not by the citizens of the several States of the Union. It was by the States speaking through their respective legislative assemblies. In one aspect of the case this mode of ratifying those articles was the proper one, for the Confederation

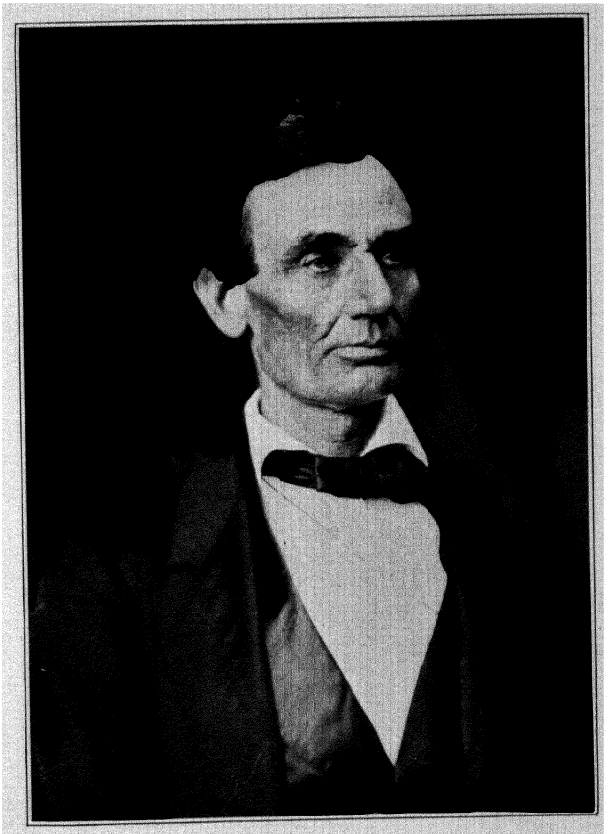
was a league of distinct commonwealths, and therefore to derive its force only from those whom the ambassadors represented.

> "The Constitution of the Confederation, therefore, when ratified in the manner explained was an entirely legitimate one; * * * but it was legitimate only for what it purported to be—A LEAGUE BETWEEN STATES and *not a national constitution in the proper sense of the term. Tested by the principles that should preside over the foundation of a Constitution,* it was in its inception not legitimate, for *it wanted the sanction of the people,* who, as distinct from their governments, are alone the constituents, or have power to ratify a Constitution."
>
> "The Congress, on the other hand, considered as a Constitutional Convention, possessed not a single one of the elements of legitimacy. *The people had no direct agency in calling it, no voice in prescribing its duties or ascertaining its powers, and were not directly consulted* in the act of putting the fruit of its deliberations in force."—JAMESON, "The Constitutional Convention," page 161.

Our present mode of ratification of Amendments to the Federal Constitution by the State Legislatures of three-fourths of the States is a retrogression in Democracy. The coercion of one-fourth of the States by the majority of States is a malapplication of State Sovereignty.

The denial to the People of their right in making their fundamental law is undemocratic. By it the United States is divested of the attributes of a domestic government, and treated with as a government foreign to our People, who do not approach it directly, but through their Ambassadors—the Legislatures of their domestic democracies. Indian tribes may do the same. According to the definitions of the Fathers, the United States is *not* now a Democracy!

Shall we make Democracy a Reality in America?



ABRAHAM LINCOLN

ABRAHAM LINCOLN

"A Government of the People, by the People, and for the People."—*Lincoln.*

"This country, with its institutions, *belongs to the people* who inhabit it. Whenever they shall grow weary of the existing government, they can exercise their constitutional right of amending, or their revolutionary right to dismember or overthrow it.

"I can not be ignorant of the fact that many worthy and patriotic citizens are desirous of having the National Constitution amended. While I make no recommendations of amendment, I fully recognize the full authority of the people over the whole subject, to be exercised in either of the modes prescribed in the Instrument itself, and I should under existing circumstances *favor*, rather than oppose, a fair opportunity being afforded the people to act upon it

"I will venture to add that to me the *convention* mode seems preferable, in that it *allows amendments to originate with the people* themselves, instead of only permitting them to take or reject propositions originated by others not especially chosen for the purpose, and which might not be precisely such as they would wish either to accept or refuse.

"I understand that a proposed amendment to the Constitution has passed Congress to the effect that the Federal Government shall *never interfere with the domestic institutions of States.* . . . I have no objection to having it made express and irrevocable."—*Lincoln*, First Inaugural Address, 1861.

CHAPTER V

DEMOCRATIC PARTS—UNDEMOCRATIC WHOLE

AMENDING OF CONSTITUTION UNDEMOCRATIC—GOVERNMENT OFFICIALS NON-DEMOCRATIC—STATES DEMOCRATIC AND RELATED TO NATION AS FOREIGN NATION—AMENDING POWER OF CONSTITUTION NON-DEMOCRATIC—MAY DEFEAT OR ADOPT AMENDMENTS BY MINORITIES—USURPS SOVEREIGNTIES OF STATES.

"All Power is a trust—from the People, and for the People, all springs, and all must exist."—DISRAELI, 1826.

THE United States Constitution, in creating the three branches of government, originally provided that one-half of one of the three branches should be democratic—subject to election by the People.

The House of Representatives was that Democratic half-branch.

The Senate—two Senators from each State—was to be elected by the State Legislatures. It was and is undemocratic in proportional representation, but its mode of election was made democratic in 1913.

ELECTION OF PRESIDENT AND VICE PRESIDENT

Section 1 of Article II of the United States Constitution commands that "each State shall appoint in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress."

The legislatures of the States in several of the earlier presidential elections chose the electors without allowing the voters a selective choice.

At the present time the legislatures *may* choose the electors

for President and Vice President "in such manner" as they may direct. The legislature can order the choosing of the Presidential electors by universal or limited suffrage,—*may* create a commission to appoint them,—*may* elect them by a legislative ballot,—*may* select them by any scheme approved by a majority of the legislators.

Under the force of public opinion, the Legislatures have been pleased to allow the People to select the electors by a popular ballot. But the legislators of any State, at will, may at any time change the mode of *appointment* of electors. This power of the Legislatures of appointing presidential electors is undemocratic, because the People have no assurance of continuing to elect their executives, even in this indirect way, and with the unfair representation of the Senatorial electoral vote.

In 1804 by the 12th Amendment it was provided that in case the President and Vice President failed of election by a majority of electoral votes, the House of Representatives were empowered to elect the President, casting by States one vote only for each State regardless of the size of the population—thus ignoring the will of the people in the selection of their Chief Executive,—and the Senate by ballot may choose the Vice President. This is yet the Fundamental Law. These constitutional provisions separate the people from the Government by a wide gulf.

By Paragraph 2, section 2, Article II, of the Constitution, the President is empowered to appoint all the Judges of the United States Courts for life; and thus the People have no choice in their selection, nor in their control. The only remedy for misconduct is impeachment by Congress, with a large expenditure of legislative time.

Thus the Constitution originally provided that five-sixths of the branches of the Government should be undemocratic, denying the People a choice. In that respect it is now two-thirds undemocratic;—and in respect to making Constitutional Law it is *totally* undemocratic. The framers of the

Constitution apprehended that as time progressed, such an instrument, to keep pace with necessary changes should be amended, and provided for such changes by

ARTICLE V

"Whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution or, on the application of the Legislature of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as a part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress, . . . and that no State, without its consent, shall be deprived of its equal suffrage in the Senate *(provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the Ninth Section of the First Article.)*"

The clause in brackets is obsolete, but considering the *motives* in the framing of Art. 2 it is important and the student should *look up* the other clauses in the Constitution referred to.

The first object seems to have been to make the amending of the Constitution undemocratic—by denying the People a direct agency in its changes, in fact, failing to require that a majority of the People assent to a change in their fundamental law, permitting the very foundations of Government to be changed by a possible minority of the People, and making it easy for an infinitesimal minority to thwart the will of a vast majority. The main effect of Article V is to balk and not effectuate the will of the People, so that it is almost impossible to make an Amendment "The People's Law."

As in the election of President and Vice President, so also in making of the Supreme Law of the Land, the People are ignored, and the States in which they live are treated as foreign nations and dealt with by the Central Government through their Ambassadors; *viz.*, their Legislatures.

In this respect the forty-eight States are Foreign to the United States, and the People have no voice nor vote in these matters, and are treated by the Federal Government as are the Indian Tribes—as foreign nations, contained and held within the territory of the United States.

Article V of the Constitution denies the People the right to amend their Constitution, and places this power in the control of Congress and of the Legislatures of the States or of Conventions of the States, each State casting one vote regardless of its size.

This Constitutional provision is in force, and is being operated with jeopardy to the interests of a majority of the citizens, who may be bound by Constitutional Amendments to which they have no power to express their opposition,—the majority governed by the will of the minority.

Generally the amendment of the Constitution is for the purpose of changing or modifying the form of government, to define or limit the powers of government, or to safeguard the liberties or immunities of the citizens.

After a reading of Article V of the Constitution and a perusal of the Declaration of Independence, they seem contradictory, as the Constitution nullifies the Declaration, which says:

> "All men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are Life, Liberty and the Pursuit of Happiness. That to secure these rights, Governments are instituted among Men, *deriving their just powers from the consent of the governed*, that whenever *any* Form of Government becomes *destructive* of these ends, it is the Right of the People to *alter* or to abolish it, and to institute a new Government, laying its foundations on such principles and organizing its powers in such form as to them shall seem most likely to effect their Safety and Happiness."

Until Article V of the Constitution is so amended that the People may give "the consent of the Governed" to

changes in the Constitution, the Declaration of Independence will remain nugatory, a piece of beautiful rhetoric.

THE OLD IMPERIAL GERMAN UPPERHOUSE

The Federal Council (Bundesrath) was composed of 58 members appointed by the King of Prussia and the Kings, Dukes and heads of the other 24 German states.

The People had no voice in the selection of the Federal Council. If 14 votes in this Council opposed a change of constitutional law, it was defeated.

The United States Senate has 96 members. If 33 of these Senators oppose a change of Constitutional law, it cannot be proposed to the Legislatures. Here is a similarity between the United States upper house and the old German upper house.

We have yet far to go, toward democratic practice in Constitutional law making. We will need to transfer this power from the Senate to the People—and further, we must curtail the powers of the House of Representatives and the Legislatures of our States. Not until then will Democracy be made safe by acting through the direct will of the People.

According to Article V of the Federal Constitution power is given the Legislatures of one-fourth the States, plus one, to veto any proposed amendment of the Constitution without any referendum to the People.

While in the respect of constitution making the Federal Government is undemocratic in the sense of ignoring the will of the people and action of a minority of the people against majority, yet Article IV, Section 4, of the Constitution imposes on Congress the duty to maintain republican government in every State, but not in the United States, as a Federation.

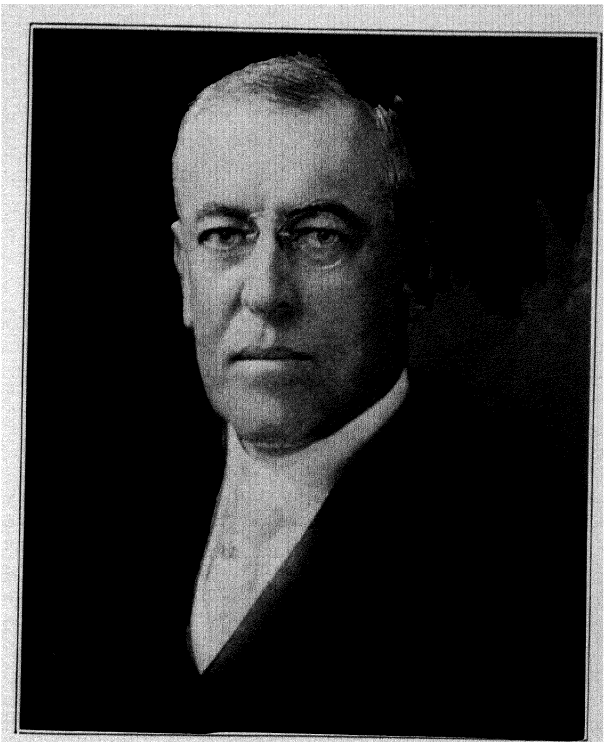
Section 4 of Article IV of the Federal Constitution prescribes, "that the United States shall guarantee to every State in this Union a republican form of government."

It is anomalous, being a citizen of a democratic State, and at the same time, a resident in a non-democratic Nation,

—to have rights in the one, and no democratic prerogatives in the other. It is a peculiar political compound of 48 similar parts which produce a result different from all. But thanks to Democracy, the People have the power of reconstructing their own government to conform to their own ideals.

Patriotism, or the love of country, obligates every citizen to contribute his share, according to his talents, to improve his government and strengthen the State. Such an American citizen was General Carl Schurz, who strove with the ability of a zealous genius to perfect the United States Government both militarily and civilly. His maxim is correct:

"My country right or wrong;
If right, to be kept right;
If wrong, to be set right."



WOODROW WILSON

WOODROW WILSON

"No more vital truth was ever uttered than that freedom and free institutions cannot long be maintained by any people who do not understand the nature of their own government."—*Woodrow Wilson.*

"The underlying understandings of a constitutional system, are modified from age to age by changes of life and circumstance and corresponding alteration of opinion. It does not remain fixed in any unchanging form, but grows with the growth and is altered with the change of the nation's needs and purposes."—*Woodrow Wilson.*

CHAPTER VI

PERILS IN AMENDMENT

DANGER OF THWARTING INSTEAD OF CONFIRMING THE PEOPLE'S WILL.
A fraction of one per cent may defeat amendments—a 40% minority may force adoption on a 60% majority—with the proposed method the civil war would have been avoidable.

The People's government made for the People, made by the People, and answerable to the People.—DANIEL WEBSTER.

ILLUSTRATIONS OF AMENDING POSSIBILITIES

TO ILLUSTRATE the conditions under which a Constitutional Amendment might be adopted or rejected under the present amending method as prescribed in Article V of the United States Constitution, the census years 1790, 1810, 1840, 1860, 1880, and 1910 are taken.

Under the Constitution three-fourths of the States voting affirmatively by their Legislatures will ratify; and one-fourth of the States—plus one—voting in the negative, through their legislatures, will reject and nullify a proposed Amendment.

In 1790 there were thirteen States. The total population of these States was 3,638,175. The then small States of Delaware, Rhode Island, Georgia, New Hampshire and New Jersey, with a total population of 536,493 could have defeated and blocked an amendment. Thus less than 15 per cent of the population could have defeated the 85 per cent who might have desired the adoption of an amendment.

But adding to the above States, Connecticut, South Carolina, Maryland and New York, with a total population of 1,638,654, an amendment could have been adopted against the will of 1,954,521 people of Massachussets, North Carolina,

Pennsylvania and Virginia; and thus, a minority of less than 44 per cent would have defeated a majority of 56 per cent of the people of the United States, and forced on them a fundamental law against their will.

In 1810 there were 17 States, with a total population of 6,807,536. Thirteen States were required to adopt an amendment, five States to reject it. Five States with a population of 812,720, or 12 per cent of the people of the other States. But in this census year it so happened that the thirteen States required to adopt an amendment contained a bare majority of one and one-half per cent of the total population.

In the census year of 1840, the population of twenty-six States was 16,890,641. Seven States with a population of 1,382,760, or less than 10 per cent of the population, could have blocked it. Twenty States with a population of 8,369,385, could have adopted it.

In 1860, the population of 33 States was 31,030,840. To have amended the Constitution would have required the votes of twenty-five States. To defeat an amendment required but the negative votes of nine States. The nine States, Oregon, Delaware, Florida, Minnesota, Rhode Island, Vermont, New Hampshire, California and Arkansas, having a population of 2,110,273, had the power to defeat an amendment by resolution of their Legislatures. Their populations comprised but six and eight-tenths of the total population. But it would have been as effective as 51 per cent in a true democracy.

Twenty-five States having a population of 14,832,544, or 47% of the total, could have ratified and made an Amendment effective. This minority, under our system of government, would have been just as powerful to obstruct the will of the majority of the people, as 51 per cent in a true Democracy would have been to carry out their will.

The actual minority, counting human souls instead of States, was *one million three hundred sixty-five thousand seven hundred and fifty-two.*

At that time the question of the abolition of Slavery was

foremost, and could it have been possible by a real democracy, to have submitted to the People an amendment abolishing Slavery, with proper compensation for the confiscation, it is highly probable that the People would have ratified the same. We would have avoided the Civil War, and saved all the misery, material losses, and other evil consequences, almost numberless, which ensued because of our inability to treat with Slavery in a sensible way on account of our cumbersome method for Constitutional change, which could not be used to prevent our Nation's struggle for its life by War and the substitution of a method for the peaceful elimination of Slavery.

As indicated by political events of that year, the people would by public opinion have given such an amendment the approval of 18,118,448 voices in the population out of 31, 030,840; this being a majority of 5,878,191. The probability is that the full majority would have gone as high as seven to nine millions for an Amendment freeing the slaves and providing compensation.

The eleven States, which later rebelled, had but 9,103,332, and the four other slave-holding States had 3,136,925 population, making a total of 12,240,257 and many of them would have favored compensated emancipation, while the people of the other States who favored the abolition or the checking or regulation of Slavery, numbered 18,790,583.

The pro-Slavery States had but 39.4 per cent of the population, and the other States 60.6 per cent of the inhabitants. It is by no means certain that the people in the slave States, as voters, would have been a unit in opposition to such an Amendment. The votes cast in the Presidential election of 1860 confirm this conjecture.

The vote was:

Lincoln	1,866,352
Douglas	1,375,157
Total	3,241,509

Breckenridge	845,763
Bell	589,581
Total	1,435,344

Lincoln and Douglas represented people who were mostly in some degree opposed to Slavery.

Breckenridge and Bell's partisans were either absolutely favorable to Slavery, or in some measure sympathetic with it.

The combined votes of Lincoln and Douglas show a majority of 1,806,165 over the combined votes of Breckenridge and Bell. Lincoln and Douglas received 60.6 per cent of the popular vote, as against Breckenridge and Bell's 39.4 per cent.

The people were ripe for a change in the Federal Constitution abolishing Slavery. The evolution of political progress had rolled the chariot forward and the change could have been made in an orderly way; civil war, devastation and destruction, including "reconstruction," could have been avoided, but our chariot of government had a hindering rub-lock on it known as "Article V" preventing amendment of the Constitution.

It is as unserviceable as the "flint lock" of 1787. It is of the same date and pattern. We need a modern machine gun in its place, if we are to win in the struggle for political progress.

In 1880 there were 38 States, requiring 29 States to adopt amendments, and ten to defeat them. The total population was 49,312,580. Ten States with 2,874,629 population or about three and 8-10 per cent of the total, could have defeated 96.2 per cent of the people. Forty-nine per cent of the population living in 29 States could have forced an amendment on 51 per cent of the people in nine States.

In the year 1918, according to the census of 1910, the 48 States have a population of 91,641,196. It requires 36 States, casting one vote each, to amend the Constitution, and thirteen only are required to cast one vote each by the act of their

Legislatures to defeat any proposed amendment of the basic law for the government of the people, who have no direct vote on the same, and an indirect vote which is inequitable and unjust, Nevada's 81,000 population being represented by one vote, while New York with 9,113,000 population, has but one vote;—Nevada thus being granted a voting force of 112 to New York's 1, according to populations.

As a graphic illustration, the list of the thirteen States and the populations required to defeat an amendment are herewith printed. The list of the 36 States which could adopt an amendment is shown, and a list of 12 States which could have an amendment forced on them against their wills, is tabulated.

Thirteen States to Defeat Amendment

State	*Population*
Nevada	81,875
Wyoming	145,965
Delaware	202,322
Arizona	204,354
Idaho	325,594
New Mexico	327,301
Vermont	355,956
Utah	373,351
Montana	376,053
New Hampshire	430,572
Rhode Island	542,610
North Dakota	577,056
South Dakota	583,888
Total	4,526,897

or less than ½ of 1 per cent to defeat an amendment.

The 12 States Defeated and their Population

State	*Population*
New York	9,113,614
Pennsylvania	7,665,111
Illinois	5,638,591
Ohio	4,767,121
Texas	3,896,542
Massachusetts	3,366,416
Michigan	2,810,173
Missouri	3,293,335
Indiana	2,700,876
Georgia	2,609,121
New Jersey	2,537,167
California	2,377,544
Total	50,775,611

The people of the above 12 States numbering fifty and three quarter million may be compelled to accept a Constitutional Amendment by the people of 36 States who number forty millions, or ten millions less than the majority overcome and controlled by them. Whatever else it may be, the United States is not a Democracy in the adoption of fundamental laws, and our descriptive nomenclature must be changed, for our government does not meet the definition of Lincoln in 1863, "Government of the people, by the people, and for the people."

The following twenty-three States added to the above thirteen may adopt an Amendment by minority of the people:

Oregon	672,765
Maine	742,371
Florida	752,619
Colorado	799,024
Connecticut	1,114,756
Washington	1,141,990
Nebraska	1,192,214
West Virginia	1,221,119
Maryland	1,295,346

South Carolina	1,515,400	
Arkansas	1,574,449	
Louisiana	1,656,388	
Oklahoma	1,657,155	
Kansas	1,690,949	
Mississippi	1,797,114	
Virginia	2,061,612	
Minnesota	2.075,708	
Alabama	2,138,093	
Tennessee	2,184,789	
North Carolina	2,206,287	
Iowa	2,224,771	
Kentucky	2,289,705	
Wisconsin	2,333,860	
Total		36,338,688
Plus the total of above 13 States		4,526,897
Total 36 States		40,865,585

The total population being 91,641,196, it follows that 4,526,897 people of 13 diminutive States can defeat any proposed amendment. The voting power of the citizens of these thirteen States is over 20 times that of citizens of the other States.

The largest State in the group of the thirteen blocking States (South Dakota) has a potential political voice of 155 to 1 as compared to the total population of the United States.

The twelve States which may be defeated, have a population of 55.4 per cent of the total, while the 36 States forcing the adoption of the Amendment have scant 44.6% of the population. This does not fulfil Daniel Webster's requirement of "The People's government, made for the people, made by the people, and answerable to the people."

In 1791 when Article V of the Constitution was adopted with the others, America was in an embryonic democratic period. Nothing was known of steam as a force; the uses of electricity were unheard of; aeroplanes, submarines, telephones, wireless apparatus, steamboats and steam roads were not even dreams; surgery was butchery, and not reconstruction, and Science was spelled with a small "s." Universal education was unknown, and the people were poorly fitted

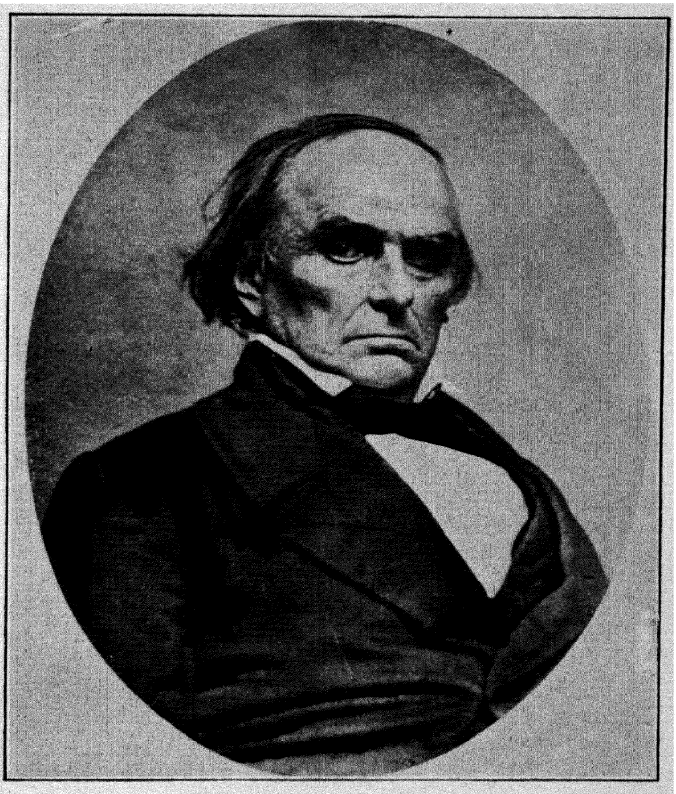
for the responsibilities of self government. The Fathers were afraid of democratic government, which implies a high state of education of the masses. The education of the masses has been accomplished. They are now fit to govern in an intelligent Democracy.

Our system of government has not kept pace with the world's progress in science and mechanics. Our political mechanism should be immediately brought up to the best science, equity and knowledge of the times.

Article V should not be used for any further amendment to the Constitution. All proposed amendments should be postponed, and not acted upon, until the Amending Clause is modernized by its change. It should be discarded along with the stage coach of 1791. It will not serve to make a journey over the whole of the United States. This antiquated and unsafe vehicle may bring the country into discord, and ultimate disruption.

It is time that the People should cease their worship of this ancient Juggernauth (Article V) for it is an engine of destruction, and not of construction, and is competent to and may kill, and destroy Democracy.

Only by discontinuing the use of it, shall we "MAKE DEMOCRACY SAFE FOR AMERICA."



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DANIEL WEBSTER

DANIEL WEBSTER

"Where government is made for man, and not man for government, there I know that I shall find prosperity and happiness."—*Daniel Webster.*

"The quantity of liberty in any country is exactly equal to the quantity of restraint, because if the government is restrained from putting its hands upon you, to that extent you are free, and all regular liberty consists in putting restraint on government and individuals so that they shall not interfere with your freedom of action and purpose. If you wish to secure entire personal liberty, you must multiply restraints upon the government so that it can go no further than the public good requires. Then you may be free, but not otherwise."—*Daniel Webster.*

CHAPTER VII

POPULAR RATIFICATION

THE FATHERS OF THE REPUBLIC FOR POPULAR RATIFICATION, OPPOSED TO LEGISLATIVE APPROVAL—LEGISLATIVE CONSTITUTION MAKING A USURPATION OF NATURAL RIGHT—LEGISLATURES MISREPRESENTATIVE —SOVEREIGNTY BELONGS TO A STATE ONLY WITHIN ITS OWN BOUNDARIES—MISREPRESENTATION, CAUSE OF REVOLT.

*"The basis of our political systems is the right of the People to make and to alter their constitutions of government. But the Constitution * * *, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all."*—GEORGE WASHINGTON.

THE leading statesmen of the Revolutionary period were favorable to the People ratifying their Constitutions. In the Constitutional Convention on Tuesday, June 5, 1787, the Convention considered "the 15th resolution for recommending conventions under appointment of the people to ratify the new Constitution . . . Mr. Madison thought this provision essential. The Articles of Confederation themselves were defective in this respect, resting in many of the States on the legislative sanction only. . . . For these reasons, as well as others, he thought it indispensable that the new Constitution should be ratified in the most unexceptionable form, and by the supreme authority of the people themselves."

Mr. Madison observed in Committee of the Whole, on June 22, 1787, "that the plan of Mr. Patterson was particularly defective in two of its provisions. Its ratification was not to be by the *people at large,* but by the *Legislatures."* *

* Madison's Journal of the Federal Convention, 11, pages 795-796.

On June 23, Mr. Ellsworth moved that the Constitution be referred to the Legislatures of the States for ratification."

Colonel Mason considered a "reference of the plan to the authority of the people as one of the most important and essential of Resolutions. The legislatures have no power to ratify it. They are mere creatures. . . . Whither then must we resort? To the people, with whom all power remains that has not been given up in the Constitution derived from them."

"We, the people of the United States," is the opening sentence of the Constitution of the United States. This recognizes the People as the source of power of the Government This view was announced in the debates of the Convention. It was generally held that the members of that Convention were "delegates" with limited powers from the people, that the members had no power to legislate and make a fundamental law, but their powers were restricted to recommending to the people for the people's action.

Mr. Wilson of Pennsylvania said with regard to the power of the Convention, he conceived himself authorized to conclude nothing, but to be at liberty to propose anything. Similar opinions were expressed in the debates by Madison, Patterson and Randolph.

> "In this most important convention, then, of which most of the founders of our government were members, the power proper only for a sovereign, of definitive legislation, was not only not claimed for that body, but it was expressly disclaimed."—JAMESON.

But this theory of the sovereignty of the people, as a vital governing democracy by the rule of majorities, has been supplanted by the practice of the legislatures of the various States adopting amendments to the Federal Constitution without ascertaining the will of the people, and in some cases adopting federal amendments which were proposed to the State after the legislators were elected; and about which no reference was made in the election of the members.

The legislatures are not reliable, as true expressers of the democratic will of the people, but frequently usurp the rightful powers of the people, and contravene public opinion.

In the case of Ohio, the voters rejected woman suffrage twice by decisive majorities, whereupon the Legislature under the influence of lobby pressure, passed a woman suffrage act. The people of Ohio, availing themselves of a referendum, condemned the act of the Legislature by repealing the Woman Suffrage Law, casting an immense majority for its annulment. Later the U. S. Supreme Court held that the law of Ohio referring National Constitutional amendments to a vote of the People was void.

The Legislature of Iowa passed a statutory prohibition law, and later submitted to the voters a constitutional prohibitory amendment. The people of Iowa demonstrated by a decisive vote rejecting the amendment that the Legislature misrepresented the People.

Many other instances are known where the Legislatures have disobeyed the popular will and misrepresented the People.

According to the principles of political science as applied to democracies, it is obnoxious to principle, inadvisable and inexpedient to delegate the powers of the People of the States to the Legislatures to amend, at their discretion, the Constitution of the United States for their own citizens, and for the people of other States, thus usurping the sovereignty of associated States.

The domains of the Constitution of the United States and of the constitutions of the various States are so distinct and separate that in matters pertaining to Federal government the States should not intrude any element of authority.

The Federal Government assumes the function of punishing the counterfeiting of United States money. It is manifest that any law passed by a State punishing counterfeiters would be an assumption of sovereignty, without right, which might produce confusion.

Horse stealing is an offense punishable by local State laws in various degrees of severity, as the injury by horse-theft is rightfully considered of greater or less enormity in different localities. That a Federal constitutional amendment providing that horse-stealing should be punished by a uniform law of the United States, is a denial of the rightful functions of local self government, and would be an assumption of criminal jurisprudence which could be much more efficiently performed by the States.

If three-fourths of the States should adopt a Federal amendment compelling California to accept Chinese as residents and citizens, this act would be an assumption by those States of sovereignty within the State of California.

If California with other States should amend the United States Constitution, to compel Mississippi, against its will, to adopt woman suffrage and negro woman suffrage in its government, it would be an act against the perfection of self government, a destruction of self government, and the subjection of the people of Mississippi to the tyranny of the government of others. Now, if the Mississippi Legislature, not even being elected on that issue, vote to change the Constitution of the United States, so as to destroy the vineyards of California, to prohibit the people of that State from drinking their home-grown wines, the Mississippian is guilty of as violent an act of political usurpation as he complains of when negro woman suffrage is forced upon him by California and other States.

Having failed to secure a majority of the voters of California to assent to Prohibition, and having failed to secure a State law in Mississippi adopting woman suffrage, the advocates of woman suffrage and prohibition compelled all such States against the will of their people to adopt the Prohibition and Suffrage amendments in the United States Constitution for their local government and forced these dissenting States to act in conformity to the opinions of the people of other States who were in favor of woman suffrage and pro-

hibition. This was in violation of the "Reserved" powers of amendments IX and X.

If the question of the amendment of the National Constitution was decided by the people instead of by the Legislators, in many cases voters would discriminate and while favorable to such change of government for their own State, would be unfavorable to forcing the same rule on other unwilling States.

Hon. Elihu Root says:

> "I think such an attempt is contrary to the principles of liberty upon which the American Union was established, and without which it cannot endure. Our system of government rests upon direct allegiance and loyalty to the nation, composed of all the people of all the States, and the power of the nation as a whole to control and require obedience in all things national, and also upon the idea of absolute liberty to the people of each separate State to govern themselves in all their local affairs according to their own free opinions and will. Without assurance that both of these ideas, the principle of nationality and the principle of local self government, would be preserved the Union would not have been formed and without them it cannot be maintained. Without the power of the nation we should become the prey of external aggression and internal dissension. Without the right of local self government we should lose the better part of our liberty, the liberty to order our own lives in our own homes and our own communities according to our consciences and our opinions and to be governed only, in matters not national, by officers chosen by ourselves in such ways as we consider suited to our conditions. This country is so vast, the differences in climate, in physical characteristics, in capacity for production, in predominant industries, and in the resultant habits of living and thinking, are so great that there are necessarily wide differences of view as to the conduct of life, and to subject any section of the country in its local affairs to the dictation of the vast multitude of voters living in other parts of the country would create a condition of intolerable tyranny, and to use the power of the nation to bring about that condi-

> tion would be to make the nation an instrument of tyranny. It is needless to argue that this would ultimately destroy the nation. It is the free adjustment of the separate parts of our country, the unchecked opportunity of each community to live in its own home according to its own opinions and wishes, that has made it possible for us all to unite in maintaining the power of the nation for all national purposes. If you destroy that free adjustment by enabling some parts of the country to coerce other parts of the country in their local affairs by the use of national power you will destroy the whole system and ultimately break up the Union."

Such usurpation of a political function inherent in the people is cause for revolt. One of the prime causes of the Revolution of 1776 was the non-representation of the Colonists in the British Parliament. But in the United States we also have misrepresentation and mal-representation.

Such grievances were the causes of the first revolt in the United States against political injustice. There is no assurance that additional like causes may not produce like results.

UNFAIR REPRESENTATION CAUSE OF REVOLUTION

Rhode Island had been governed for almost two centuries under a charter granted by King Charles II. By the shifting of populations and other causes "the legislature was elected by less than one-half of the white male adult citizens of the State, and so far was the body from representing the people proportionately, that the majority of the Assembly was elected by about one-third of the freemen."

One legislative district with a population of 1700, sent 4 representatives while another with 24,000 had only an equal number.

From 1824 until 1842 the voters petitioned the constituted authorities for a change in the fundamental law, and the making of a democratic constitution. Efforts in this direction were unavailing. The legislators turned deaf ears to the appeals of the People.

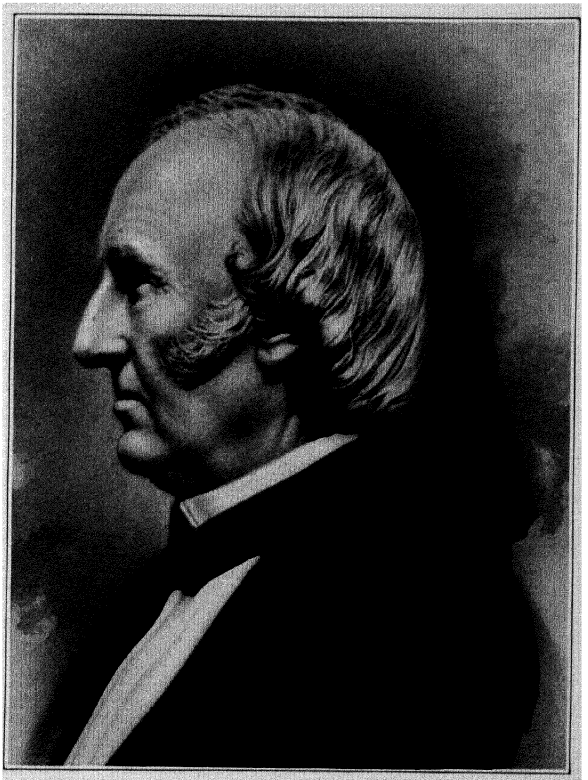
In 1841 a majority of the legal voters of the State, acting without the assent of the Legislature, formed a constitution, and it was submitted to the people and ratified. On the attempt to set up a government under this constitution headed by Thos. W. Dorr as executive, civil war ensued.

The undemocratic injustice complained of in Rhode Island was the unjust power of some of the people of the State over the other citizens. This injustice in degree does not equal the unfairness practiced under the method of amending the Constitution of the United States government, which does not contain a vestige of democracy and denies the People their rightful sovereignty in making their governments.

POSSIBLE EXISTENCE OF THE DEMOCRATIC STATE

> "It will be highly instructive to consider the social conditions which precede and make possible the existence of the Democratic state. They may be expressed in a single phrase, *viz.*, national harmony. There can be no democratic State unless the mass of the population of a given State shall have attained a concensus of opinion in reference to rights and wrongs, in reference to government. It implies in the first place that they shall understand each other. . . . It implies in the second place that they shall have a common interest. . . . It implies finally that they shall have risen, in their mental development, to the consciousness of the State, in its essence, means and purposes; that is, the democratic State must be a National State."—BURGESS, Vol. 1, 82, *Political Science and Constitutional Law.*

With the rights, functions and sovereignties of the People fully recognized and utilized, good government will be realized. Democracy will have been crowned King. The voice of the multitude is the ultimate court of appeal. If the electorate is to judge policies, it is surely less likely to err if it judges them on a clear and distinct issue. In such a case it is most likely to act independently and not at the dictation of party wire-pullers, or of selfish "interests."



WENDELL PHILLIPS

WENDELL PHILLIPS

"The right to think, to know, to utter," as John Milton says, "is the dearest of all liberties. Without this right there can be no liberty to any people; with it, there can be no slavery. When you have convinced thinking men that it is right, and the humane men that it is just, you will gain your cause. Men always lose half of what is gained by violence. What is gained by argument is gained forever. Let us believe that the whole of truth can never do harm to the whole of virtue. . . . The last lesson a man ever learns is that liberty of thought and speech is the right of all mankind; that the man who denies every article of our creed is to be allowed to preach just as often and just as loud as we ourselves."—*Wendell Phillips.*

CHAPTER VIII

AMENDING PROCESS OPPORTUNITY FOR IMPROPER ALTERATIONS

UNFAIR VOTING POWERS—USURPED SOVEREIGNTY—ENGINEERED BY FACTION —MALICE IN FACT—NEGRESSES TO VOTE—RADICAL AND TYRANNICAL LAWS RESULT OF AMENDING SYSTEM.

"*Towards the preservation of your government, and the permanency of your present happy state, it is requisite . . . that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect, in the forms of the Constitution, alterations, which will impair the energy of the system and thus to undermine what cannot be directly overthrown.*"—GEORGE WASHINGTON.

"WE THE People of the United States . . . do ordain and establish this Constitution," etc. When applied to amendments to the Constitution it is a misnomer because the People have no part in the ordination of establishment of amendments. They are ordained and ratified by two-thirds of the members of Congress, and bare majorities of thirty-six State Legislatures.

If the average legislature contains 100 members, there are 4800 legislators in the forty-eight States—a half of which is 2400. The thirty-six States necessary to ratify contain 3600 members. With both houses full and voting, it would require but 1836 members for the majorities to adopt a Federal amendment. 663 members of Legislatures in the States could vote and reject an amendment and 1836 would carry the adoption and fasten it onto the Constitution. Even smaller numbers could ratify when a majority of a quorum, and not the whole legislature, served to adopt.

The reasons for establishing the original Constitution by "We the People" were stated to be "in order to (1) form a *more perfect Union;* (2) establish justice; (3) insure domestic tranquillity." While the objects of the ordination of the original Constitution (by *conventions of the People*) was for the above purposes, the effects of adopting some of the proposed amendments (by ignoring the People) may have the opposite result (1) to foster disunion; (2) to disestablish justice; (3) to engender domestic discord.

If this is a Democratic nation, it would be well not to deny 40,000,000 voters their prerogatives to make our Constitution "by the People." Grant this power to its proper source, and take it from the 1836 legislators to whom it has been undemocratically given.

The press dispatches state that an act for a reference to a vote of the People of the State of New York on the National Prohibition Amendment was about to pass the Legislature. This would give the People the right to determine the national law under which they live. But the Governor threatened to veto this bill granting the people the right to vote.

The Governor designed to force the Legislature to ratify the Amendment without the assent of the People. It is undemocratic enough to allow the legislatures to adopt Constitutions, and it is also possible under the present amending clause, Article V, for Governors to browbeat the legislatures in so doing. Thirty-six governors could thus force all amendments to the United States Constitution. Our governors may equal the autocracy of the greaser governors of the Mexican States.

W. H. Anderson, Superintendent of the Anti-Saloon League of New York, boasted that his organization had prevented the passage of a referendum to the People. Thus the People were denied their sovereign right to make their own constitutions by a semi-secret political party.

Since the above was written Anderson has served a term in "Sing Sing" for misuse of Anti-Saloon League Money,

collected from the Rockefellers in their economic movement to save their laborers from loss of time on account of looking on the beer mug when it foamed.

In prison Anderson got some credit of "good time," left the musical college and determined to re-apply himself as an "up-lifter," and have more good times on the money of people who want to "reform" the "profane, godless and unregenerate." He had much experience in his time as the harasser of the sinful and unchurched, and had graduated from one position to another of higher power, (and salary) in the service of the Anti-Saloon League, which finally, through his ambition to acquire large funds to be used in compelling evil men to reform, caused him to lodge in "Sing Sing."

When Anderson returned to "society," he had a vision and saw a new field of reform in which he could labor.

He resurrected a proposed amendment in the United States Constitution which "prohibits" any citizen from accepting a title or decoration from any foreign power or ruler. This amendment is more than 100 years old, and has been ratified by three States, and ignored by the others. Anderson did not object to the age for he reasoned that "age added respectability"—and "respectability" was needed by him. He saw the word "Prohibit" in the proposed amendment and that word decided him to act as he had been heretofore so pleasantly engaged in prohibiting men in their personal liberties, and that, if he could influence 33 other states to ratify the amendment, it might be construed to prevent the Pope appointing Cardinals, Bishops, Monsignori, Knights of Saint Gregory, etc., and thus he would prevent the Catholic Church from functioning, and Amendment I providing for freedom of religion would be annulled so much the better.

Having become disgusted with the "harmonies" of "Sing Sing," Anderson prefers "discords" and appeals to the Ku Klux Klan for "support" in sowing the seeds of hate.

The "Fellowship Forum," official organ of the Klan, has adopted Anderson, late of "Sing Sing" and now of the

"American Protestant Alliance," and sponsors him as its "official organ," and grants him space to attack Senator James W. Wadsworth, Jr., who has been a valuable representative from New York in the Legislature and Senate for twenty-two years. Thus work the criminal forces of the League and the Klan to injure the Government in the persons of its efficient Senators.

The voter need but compare Anderson's short Sing Sing term to Wadsworth's long legislative term.

In his chorus Anderson has enlisted all the "Dragons," "Cyclops" "Klokards" and "Kluds" and all "Ye Gods and little Fishes," are joining with their discordant voices in "denouncing" a large majority of the people of New York for desiring to vote by referendum on a modification of the Volstead Act, and call this action of American citizens "Nullification" and "treason" to the Constitution.

STATES' WRONGS

"States' rights" have been the subject of many learned discussions, but "States' wrongs" have had too little attention.

By a strange freak, our American Democracy has made the voters of Nevada 113 times as powerful in Pennsylvania as the voters of Nevada in their home state. Nevada is a "woman suffrage" State; Pennsylvania rejected "suffrage" by a vote of her people. But the Legislature of Nevada (representing 77,407 people) voted to nullify the will of eight and three-quarter million in Pennsylvania and force them to adopt "suffrage."

Wyoming, a "suffrage" State with 1100 negress population, had power to force Texas to accept as voters 400,000 negro women against the Texas judgment and will. So Wyoming, by its legislature, adopts national woman suffrage, and exerts on Texas 24 times the force that the voters of Texas could do at home.

California and Georgia, with about equal population, choose for each something that is distasteful and harmful to the other. So Georgia casts her one vote by the act of the Legislature (not by her people) to make valueless the vineyards of California. Californians have devoted years of labor and expended millions of dollars on these vineyards, and desire to keep them. But Georgia and her political preachers believe they know what is best for California, and destroy the vineyards. That is a "State Wrong."

California in turn acting, not by her voters, but by her Legislature, influenced by her political preachers, has decreed that the 600,000 negro women of Georgia shall vote, and "that Congress shall have power to enforce this article by," etc., and also Congress may reduce the representation of Georgia in Congress, and in the Electoral College if the Negro women voters of Georgia, created voters by California against the will of the People of Georgia, are not permitted to vote. Thereafter the Georgia politician will become an enforced admirer of negro babies, to secure their [mothers'] votes, and even the candidates for President will cater for the approval of the colored ladies of Georgia—for the political power of the white suffragist has extended to Georgia and placed the purple mantilla of political power on her "colored sister." This is another "State Wrong."

The peoples of Georgia and California have both lost their right of "self determination" because the Legislature of each State *chose* for the *other State* something that was refused by the home State. The two States acted contrary to the elementary principle of political ethics by intruding on the Sovereignty of a neighbor State, beyond the rightful sphere of the intruding State in political morals. That both State Legislatures were influenced by compactly *organized bodies* of "uplifters," well financed, and using political inquisitorial and intimidating methods does not mitigate the damages to Democracy or minimize the political injustice. This political mischief is almost dastardly. Georgia would

have done no worse by introducing the "phyloxera" to sap the roots of California vines and Californians would have been as guilty had they sent the "boll weevil" to destroy Georgia cotton. But the Georgia preacher says California grapes are evil. Was it not against this moral mentor that the scriptures protest? "And every man shall sit under his own vine and fig tree, and no man shall make him afraid."

There is an additional harm ensuing from thus amending the Constitution. It strengthens the power of cabal and faction in civil government, as is well expressed by George Washington: "They serve to organize faction, to give it an artificial and extraordinary force; to put, in the place of the delegated will of the nation, the will of a party, often a small but artful and enterprising minority of the community."

We should rather perfect our democracy so that States may not by undue force invade and overthrow the rightful sovereignty of sister States in controlling their domestic affairs. We should rescue local self government for the benefit of free peoples, and crush the oppression of the People by the minorities in its incipiency. To this method we will address ourselves in the concluding chapter.

The Legislatures of Maryland, Virginia, South Carolina, North Dakota, Kentucky, Texas, and Mississippi have investigated the grape and hop growing and the brewing industries in New York, Pennsylvania, Ohio, Wisconsin and California, and these Legislatures have determined that it is for the best good of these States that grape and hop growing shall be prohibited so that when these foreign legislatures voted to destroy these interests they did so because the legislatures in their home States would not so legislate. The home legislatures are thought to be "near" sighted and can't know, while the distant legislator is "far" sighted, and does know the interest of a State which is hundreds of miles distant. This savors of egotistical malice.

Again, the Legislatures of Kansas, Colorado, Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Wash-

ington and Utah, without having ever studied the negro States, by their "far" sightedness, are convinced that the voters in the Southern States have not the intelligence and virtue which is desirable, and that forcing these States to adopt negro women as citizens and voters to improve their governments is good. So they make voters of the negro women over the whole United States. In both cases these actions smack of meddlesomeness. It is a wrong to the People of the States.

If the Legislature of Georgia had put to vote in their State the question of Georgia prohibiting vineyards in California, and had the Legislature of California put to a people's vote whether California should make the negro women of Georgia voters in that State, it is probable that the honest voters of both States would have shown less malice and more sense than their legislators, and would have voted *"No."*

All types of suffragettes have a dangerous influence on legislators. They can get the promise of the head of John the Baptist by a little coquetry. They influence the weaknesses of men, and not their strength. The Socialists are a unit for suffrage, and won its most notable victory.

Politicians will bow both knees to get low enough down to pick up a few suffragette votes; and some who are called "statesmen" will "go the limit" against all records to gain the electoral votes of women.

The suffragette national organizations are dominated and controlled by "Feminists."

"Feminism" is a danger and is defined in "Socialism, Feminism and Suffragism" as follows:

> "Feminism is exhibited by a spirit of unrest among a comparative small number of dissatisfied women. They preach a gospel of unholy discontent.
>
> "They are born agitators and dearly love a fight. They prefer war to peace, turmoil to tranquillity, pride to humility, sophistry to truth, agnosticism to belief, and prefer to assert their own wills, live their own lives,

as against the precepts of conventional morality, being moral anarchists."

The Feminists secured the recommendation of Congress of the so-called "Child Labor" Amendment, as follows:

"The Congress shall have power to limit, regulate and prohibit the labor of persons under eighteen years of age."

This, if adopted, would take the control of the labor education of the children from the parents and place it in the hands of Feminists who want to run our Government as a bureaucracy from Washington.

With our amending clause as at present it is possible to secure the adoption of such tyrannical laws by the action of the Legislatures and therefore we should take the amending power from the legislators and place it in the votes of the People, who will safeguard their rights.

The Feminists oppose a change in the Amending Clause giving the People the right to vote on their Constitutions, as the Feminists have success in lobbying the legislatures.

The Indiana, and other branches of the "Woman's Party" have passed resolutions against reform in amending the Constitution.

The Feminists have designs to pass laws, taking control of Public Schools from the States, and lodging it in a Bureau in Washington that they may have the power to control, and larger salaries for themselves.

FURTHER ENCROACHMENTS ANTICIPATED

We may expect, under the leadership of socialists and feminists, further encroachments on the personal liberties and conscientious convictions of large numbers of our people. Thus strengthened, the threats already made, will be attempted to be carried out, *viz.:*

The adoption of a Constitutional amendment requiring the compulsory education of all chiudren up to a certain age

exclusively in the State Schools. (See Oregon, Nebraska, Michigan attempts annulled by the United States Supreme Court.)

The passage of such an amendment could be easily effected, and anyone can readily enumerate thirty-six State Legislatures which would then vote for the adoption of this most undemocratic amendment, which would not only deprive a parent of personal liberty, but of the control of his own offspring. Such a law was enacted in one of the States, and it is a reserved threat on the part of the radicals.

The Tennessee law restricting the liberty of teaching, and forbidding the study of sciences, and adopting the narration in Genesis as a State "belief," is another amazing example of tyranny in a republic.

These designs are cunningly conceived, deeply laid, and only await an opportune time to be effected. The only safety for our National State and its Government is that all action on present proposed and pending amendments be suspended, until after the adoption of an amendment to the amending clause which will preserve the rights of both majorities and minorities, and give expression and force only to the majority as really expressed directly at the ballot box, and not misrepresented by a lobby-cajoled and intimidated legislature. Why should not the People revoke the authority delegated to the Legislatures, and assume the People's rightful duties of the Rulers of Democracy?

These proposed amendments are anti-democratic. They are in contravention of the spirit of the Union of States, and opposed to our declaration for the liberty of the individual and his pursuit of happiness. Such illegitimate movements, carried out, will prevent a "more perfect union" and tend, by bitterness and resentment, to discord, ultimating in disunion of spirit, if not in fact. Citizens of States will indulge in reciprocal malevolence and hurl maledictions at the evils that sister States have forced upon them.

To secure a full measure of Democracy for America for

which we have fought so fiercely abroad, will require the best and strongest efforts of the Executive and Legislative powers of our Government. We can make greater advances in democracy by peaceful methods, and at lower cost in America than we can make in foreign countries; and our People are more interested, and would be permanently and more greatly benefitted by a domestic democracy than by a foreign brand.

While we are crusading abroad for an ideal, let us increase the real local Democracy so that we may show a self-generated true light from the "Statue of Liberty enlightening the world" by rays from our own Democracy—the direct rule of the People—who should be permitted to make our Constitution "the People's Law" with their full assent. Congress has supervised the formation of the States requiring that each should have a "Republican form of government" by demanding that the People of each State, as a condition of admission, create the State with a Democratic constitution—including sovereignty. But after such creation, the Congress allows the States to *destroy* the Sovereignty of *other* States, force on sister States a new and disagreeable citizenry, and enter into other States and confiscate millions of dollars of property,—and make thousands of employes idle.

This engine of destruction, so annihilative of Democracy is not a modern invention. It is not a hoisting engine but an ancient battering-ram called "Article V."

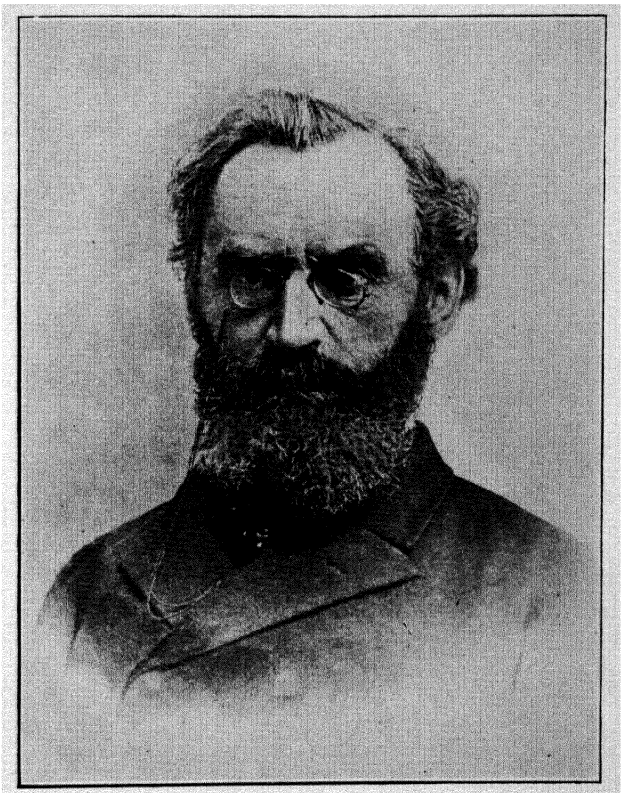
The United States Congress has suggested its use for repairs and reconstruction of the buttresses of our constitutional government, but as the machine is more dangerous in destruction than it is useful for construction, it should be "junked" and we should await the building of a new machine before we proceed to reconstruct with the old destructive machine.

Patriotism does not consist in hating other nations and trying to destroy them. It means loving our own country and trying to upbuild it. Our patriotism should mean an unwavering belief in, and adherence to, the democratic rule

of the people; that we have a mission in the world of our own namely, the perfection and demonstration of the sovereignty of the People; that no other government on earth can accomplish this as perfectly as we; and that our first improvement should be directed with full and zealous force on our own Nation.

The following prophetic and descriptive vision was given by President Washington in his farewell address:

> "However combinations or associations of *the above descriptions may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government.*"



GENERAL CARL SCHURZ

GENERAL CARL SCHURZ

"My country, right or wrong,—if right, to be kept right, if wrong, to be set right."—*Carl Schurz.*

of employment to thousands, and a change in the modes of life of the people.

This assumption of autocratic power and denial of democratic right was schemed, and cajoled by a semi-secret-political party, which constantly maintains an inquisitional lobby in the Capitol, and prevents the people from self expression in many States. This lobby is pledged against a democratic rule of the people and is against the principle of this Government, and is thus unpatriotic. But in amending the United States Constitution, the Congress is submitting the question to the various Legislatures for ratification or rejection, the people of the States having no voice.

While this is the letter of the law for the amendment of the Federal Constitution, it is not the spirit of the law which by evolutionary processes has made the democratic principles which now dwell in the minds of the people. This undemocratic and anti-democratic method of amendment is 139 years old, but today every State in the Union repudiates it, from the fact that in practice all States require that the proposals for electing members of conventions to amend constitutions shall be first submitted to the vote of the people, and that before proposed amendments become law, they must be ratified by a majority of the voters of the State.

The original Thirteen States joined the Federal Government by the ratification of their Constitutions by delegated authority of the people and in some cases by referendum voting also. Not a single territory in the Union was permitted by "enabling acts" of Congress to join the Federal Government unless their constitutions were first approved by a majority of the votes of their citizens.

Thus, not a single commonwealth recognizes in its own government the method prescribed by "Section V" for the amending of the United States basic law. In State practice it is not regarded as democratic. Political evolution has outrun this antiquity. The national method of amendment is practically rejected by everyone of the forty-eight parts com-

posing the whole. Congress for sixty-one years has discarded the method of permitting legislatures or conventions to make the constitutions of new States—and their basic laws were ordered approved by a vote of the people.

The people, as individuals, and the States, as governments, have progressed to the political ethics of Rousseau, who in 1726 said: "Every law which the people in person have not ratified is invalid; it is not law."

We have been engaged in a great war "to make Democracy safe in the world." At the same time we are practicing undemocratic laying of foundations for our own professed democratic Nation. Is it wise to amend our amending clause to provide a democratic basis of government before we insert any more stones (amendments) in the foundation? Such stones may tend to weakness, dissatisfaction, disintegration and revolution. To the end "that Democracy shall be made safe in the world," it is requisite that we make it *real* in America by amending our amending clause. Then all things else democratic may be promoted and follow, after the obstructing Article V is replaced.

In the United States, considered as a Nation, the sovereign power is inherent in, and resides in the People. Government is the function of the People. The People, exercising their sovereignty, may change the plan of government of the Nation; for to the Sovereign all things are possible. That the People in 1787 by their Constitution surrendered their sovereignty in the amending of such Constitution to the State Legislatures, does not preclude the People from reasserting and reassuming their sovereign powers, and providing that the People shall amend their Constitution by *direct action.*

Judge Jameson in his Constitutional Convention, Par. 57, says:

> "Thus the States seem to be inextricably interwoven with the machinery provided for the exercise of the most fundamental right of sovereignty, that of forming the organic law . . . The American nation by which

that system was established, can undo the work of 1787, if not in pursuance of its own provisions, the irregularity being still, as before the formation of the Constitution, a sovereign political unit, the product of vital forces which had been active and accumulating long before it decided it expedient to form that instrument. Although in a moment of weakness, it saw fit to curtail its own powers, in relation especially to the sovereign act of amending the Constitution, still, if in fact the Nation should outgrow the system thus established, and should by a general movement institute a change which should not only violate the provisions of that instrument * * * it would be within its actual competency as a sovereign body so to do, though, from a constitutional point of view, it would be, perhaps, a revolutionary act. The point, in a word, to be kept in mind, is, that the present Constitution determining the exercise of sovereign power by the servants of the sovereign, is not a finality for any body but for those servants—certainly not for the people of the United States, however they may have fettered themselves by the fundamental act of 1787."

THE AMENDING POWER

The amending power is the most important part of a constitution.

> "Upon its existence and truthfulness; i. e., its correspondence with real and natural conditions, depends the question as to whether the State shall develop with peaceable continuity or shall suffer alterations of stagnation, retrogression and revolution. A constitution, which may be imperfect and erroneous in its other parts, can be easily supplemented and corrected, if only the State be truthfully organized in the Constitution; but if this be not accomplished, error will accumulate until nothing short of revolution can save the life of the State."—BURGESS, "Political Science and Constitutional Law," vol. I, page 137.

The "body politic" is comparable to the human body. It is said that the human body is changed each seven years; that all the old material parts are displaced by new elements by processes of elimination and excretion, and renewed by as-

similations. If the human body was not functioned to tear down and to reconstruct itself, it would go into a state of atrophy and decay. It is just as necessary that the body politic have the functions of dissolution and rejuvenation as it is for the human body to have power to renew and perfect its life.

Therefore, to assure the State of continued life and full vitality, the amending and renewing power of the National Government should be constructed to fulfill these requirements.

John Stuart Mill thus states the problem:

> "No government can expect to be permanent unless it *guarantees* progress as well as order, nor can it continue really to secure order unless it promotes progress."—"The French Revolution and Its Assailants."

In framing the early Colonial and State constitutions, the required majorities for ratification by the people were frequently two-thirds, five-sixths and six-sevenths. The desire was to secure almost the "common assent" to the fundamental law.

Our present Constitution requires two-thirds of Congress and three-fourths of the States, *but no assent by the people.* In fact, the people are entirely ignored, as neither members of Congress nor the State Legislatures are the "delegates" of the people for the purpose of making a constitution.

In a method of amending the Constitution by a popular vote, it is necessary to secure a positive majority to warrant a change in Constitutional law. On account of varying local majorities, it is doubtful if a majority of Congressional Districts would assure a majority of the individual vote cast. This lack of a majority is well illustrated in the presidential elections. Including the election of 1828, twelve presidents have had majorities, eleven have had minorities. Two defeated candidates received more votes than their successful rivals; one non-seated candidate (Saml. J. Tilden) had a positive majority of all the votes cast.

By requiring that fifty-five per cent of the Congressional Districts should be the minimum to insure the adoption of an amendment, a fair expression of assent in both votes and area of national domain will be secured to assure amendments fairly concurred in by the people.

> "The real organization of the United States, as the sovereign, the state, in our present system, was in the constitutional convention.
>
> "This was a single body, representing the whole people of the United States and passing its resolves by simple majorities.
>
> "The people of the United States, as a whole, were behind this body, and gave it the power to *ignore* practically the Confederate Congress, and the *legislatures of the commonwealths,* and, while formally submitting its work to ratification by the *immediate representatives of the People* in the commonwealths *chosen by the People for that especial purpose,* to really ordain the constitution."—BURGESS, "Political Science and Constitutional Law," Vol. 1, page 143.

Under the present system, the sovereignty for creating fundamental law is confused; part of it vesting in the United States, through Congress proposing the amendment to the Legislatures of the States; and part of it performed by three-fourths of the Legislatures. With unfair, inequal constituencies ratifying the new amendment. Both these processes deprive the people of their sovereignty, and make it possible for minorities to rule, to tyrannize, and overcome the will of the majority—to coerce the people of one-fourth of the States. If the government of the United States is theoretically a Democracy, it is not really such, for the people have no power of changing the government except by revolution; and they should not be compelled to resort to revolution to establish a democratic government.

The leading American authority on Constitutional Conventions writes:

> "The history of liberty has shown that the most direct road to the ruin of a free state is to make a single popular

assembly the dispenser of its ordinary statute law. But to entrust such a body, without check, with the enactment of its fundamental law, would be but to discount the national life—to anti-date that final overthrow which history shows to be in store for all nations."—JAMESON, "The Constitutional Convention," sec. 411.

Judge Cooley writes:

"No body of representatives, unless *specially clothed with power for that purpose* by the people when choosing them, can rightfully take definite action upon amendments or revision; they must submit the results of their deliberation to the people—who alone are competent to exercise the powers of sovereignty in framing the fundamental law—for ratification or rejection."

It is proposed by increasing the direct powers of the people, to safeguard the end that the will of the people in political matters be deliberately formulated and unmistakably expressed shall prevail.

The legislator at the State capitol can not now discern the sentiment of the majority of the people on account of the howls of the militant few, well organized and well financed, who insist that all men, including the majority, shall conform to the standards of life of the minority.

The amendment referendum removes the final control from the fictitious storm at the capitol to the homes of the people, who will express the will of the whole State untrammeled and unsubsidized.

Laws passed *against* the people's will are *difficult* of enforcement. The amendment referendum would bind the people in their adherence and obedience to the constitution. The educational effects upon the elector would give him more familiarity with the basic law, and his referendum responsibility. He will feel a more vital and personal interest in the welfare of the State.

"So soon as any one says of affairs of the State 'of what importance are they to me,' we must consider that the State is lost."—ROUSSEAU.

DUTY OF SUBMISSION

"An important part of the duty of a convention, is to submit to its sovereign, for its approval or disapproval, the propositions of constitutional law which it has matured.

"The duty of submission grows out of the nature of our institutions. In the American political system, the edifice of government rests on the people. Two ideas pervade that system—first, that of the absolute right of the people, under God, and in the States, subject to the Federal Constitution, themselves to determine and to carry into operation the policy, laws, and government in all its departments; and secondly, that as a solemn obligation resting on those through whom the people act, not only to obey their will, but to keep themselves constantly in a condition of perfect responsibility to them * * *. In other words, if the safety of the State, as constituted in America, requires, as it certainly does, that the people should possess a curb on their agents, it requires no less that those agents should recognize that curb as existing, and facilitate its application."—JAMESON, "The Constitutional Convention," sec. 479.

"The people by the vote of the electors should have an opportunity to accept or reject what their representatives have proposed as their form of government."—AMASA M. EATON.

If the proposed amendment to Article V were made, all proposed amendments thereafter would be finally acted upon in from one to three years, and not as now, pending before State legislatures for an indefinite period,—possibly for one hundred years.

Every proposed amendment would have ample time for discussion, for the information of the voters.

Ratification of amendments would be assured an ample majority of the voters, and an infinitesimal minority of less than ten per cent could not handicap the passage of a desirable amendment.

The Civil War could and would have been prevented, if we had been subject to the proposed amended Article V.

But under the present amending Article, the United States had no other remedy but war to settle the slavery question. Of the importance of the amending clause a noted author says:

> "But I do say this: that when a State must have recourse to war to solve the internal questions of its own politics, this is indisputable evidence that the law of its organization within the constitution is imperfect; and when a State cannot so modify and amend its constitution from time to time as to express itself *truthfully* therein but must writhe under the bonds of its constitution until it perishes or breaks them asunder, this is again indisputable evidence that *the law of its organization* within the constitution is *imperfect and false.*"—BURGESS, "Political Science and Constitutional Law," Vol. 1, page 151.

Let our final purpose be to work in harmony with the hand of Destiny in advancing evolutionary political progress to the end that the People shall in fact rule; that they may acquire a general and equitable distribution of the benefits of civilization, both material and ideal; and that such civilization shall be advanced to the highest plane. That we shall abolish slums and obliterate pauperism, and that "poor houses" shall be unknown and that every man be enabled to "dwell under his own vine and figtree and no one shall make him afraid." That prosperity be made possible to all. That "Plutocracy" and "Monopoly" shall become obsolete words, and that "Democracy" shall resume the meaning that each citizen owes a duty to participate and do his part in government, without evasion, for the benefit of "each for all, and all for each."

If Article V were amended to be democratic, political evolution may be trusted by the aid of the reformed Article V to make all articles of the Constitution democratic, for Article V is the Soul and Heart of the Constitution, and controls the life blood in the veins and arteries of the Body Politic; and by processes of elimination and assimilation, proceeding from the Heart of Article V, all undemocratic forms will be destroyed, and all things in democracy will be renewed through

the will of the people as may be provided by an amended Article V.

To those who view our government as a Democracy, and who also desire to improve and perfect it by and for the rule of the people, not through intermediaries, but direct and at first hand, the amending of Article V, the amending clause will seem a necessity. Those who still desire to retain and make use of Article V as a constructor of our Constitution seem either sophistical or hypocritical, and in either case, undemocratic and unpatriotic.

Let us, with Lincoln, not only remembering the dead at Gettysburg, who died because a civil war was made necessary to reform our government, because the amending clause, Article V, was inadequate to reform and war therefore ensued; and also remembering the apostles of democracy who established and fostered and nourished our Republic for one and a third centuries, and looking forward with the martyred President, say:

> "It is rather for us to be here dedicated to the great *task remaining before us*; . . . that we here highly resolve that the dead shall not have died in vain; that the Nation shall under God, have a new birth of freedom, and that *government of the People, by the People, and for the People, shall not perish from the earth.*"



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HON. THOMAS R. MARSHALL

HON. THOMAS R. MARSHALL

Hon. B. V. Hubbard,
Chicago, Illinois.
My dear Mr. Hubbard:

"I am entirely *in accord* with your *amendment*. . . . I am getting tired of all these additions to the Constitution. It's got as easy to amend the Constitution as it used to be to draw a cork. Anyone can go down to Washington and make enough noise and get any amendment he wants tacked on to the Constitution.

"I like the English way, but they don't make laws until they *know* the People *want* them."—*Thomas R. Marshall.*

CHAPTER X

AMENDMENTS TO THE CONSTITUTION

THE framers of the Constitution provided for its amendment. There were but few members of the Constitutional Convention who felt that their work was perfect and would last without change through all time to come, so that Article V providing two ways for the amendment of the national Constitution was adopted by a large vote. This action was entirely contrary to the Articles of Confederation, which provided that:

> "They shall be inviolably observed by every State and the Union shall be perpetual; nor shall any alterations at any time hereafter be made in any of them unless such alteration shall be agreed to in a Congress of the United States and be afterwards confirmed by the legislatures of every State."

The experience of the Confederation soon demonstrated the need of amending the Constitution, and when the Constitutional Convention met, it was quite ready to provide for the amendment of the new Federal Constitution.

Had not the Constitution been amendable by its own provision, it would have failed of adoption by the thirteen States. The objections to the Constitution as a whole were so strong that only on consideration that these objections could be remedied by amendment, was the Constitution adopted and the first Congress directed to submit the first ten amendments to the legislatures of the various States. On this provision for the amendment of the Constitution, Chief Justice Marshall said in one of his opinions that the Constitution was

> "intended to endure for ages to come, and consequently to be *adapted* to the various crises of human affairs. To have prescribed the means by which the government should in all future times execute its powers would have been to change entirely the character of the instrument and to give it the properties of a legal code would have been an unwise attempt to provide by immutable rules for exigencies which, if foreseen at all, must have been foreseen dimly and can be best provided for as they occur."

The second clause of Article V for the amendment of the Constitution provides for Conventions to be elected by the people, to amend the Constitution, thus giving voice to Public Opinion and the will of the people in regard to any amendments proposed. In the various States, in amending the State Constitution it is universally the rule to submit the amendments to a direct referendum of the people before they can become a part of the basic law. To secure the consent of the people to live under constitutional provisions, a referendum is the most feasible, thorough and accurate method of testing Public Opinion. If a general referendum was used in making amendments, there could be no complaints that the people did not have a full opportunity to voice their sentiments. It has been affirmed that the Eighteenth (prohibition) Amendment would never have been approved by the people, had it been submittd to a popular vote. It is undoubtedly true that the Nineteenth Amendment (woman suffrage) was adopted by the various legislatures against the will of the people of a majority of the States, and holds its place today without the approval of the mass of the people. In the passage through the State legislatures of the Nineteenth Amendment, the people's will was absolutely overridden. Thirty-three States had rejected it at the polls, or had refused even to consider it. In some States there was not enough interest in it to have the question submitted to the people, and after thirty-three States had practically rejected Woman Suffrage by a vote of some of the States two and three times over, the

advocates of Woman Suffrage concluded to take their amendment to the national Congress and have it submitted to the legislatures of the various states.

The Prohibitionists put a strong support back of the Nineteenth amendment intending to double the vote that would support Prohibition. But in this hope they are disappointed, as large numbers of women are showing opposition.

In the adoption of the Negro suffrage Amendment which was accomplished against the will of the people, its supporters desired to keep their party in power for all time. That hope has been vain. It is reasonable to believe that when the women see that Prohibition is not a "moral issue" and that it brings on great evils, their votes will aid in its repeal.

The expression of public opinion cannot be ascertained in times when hysteria afflicts the people as in times of war when much propaganda is being used to inflame the people. Neither can public opinion be properly ascertained during times of war because our Constitution is virtually suspended and autocracy is established in the hands of the President and our people are ruled by autocratic power and many of their rights are suspended in abeyance.

For the reason as above stated, it is always advisable to postpone any action of a permanent character on the amendments of the Constitution during war periods or when the Constitution is practically discontinued by reason of the vesting of all authority in the hands of the Executive.

But the Prohibitionists deliberately chose such a time in which to cause the adoption of the Eighteenth Amendment and its twin sister, Woman Suffrage.

AMENDING CLAUSES OF NATIONAL CONSTITUTIONS

In 1861, the Confederate States of America made a Constitution, taking the United States Constitution as a basis, and endeavored to make improvements thereon where possible.

Among other things the Confederate Congress made their President's term of office six instead of four years, declaring

him ineligible for re-election; and changed the amending clause:

United States Constitution

ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or on the application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress: *Provided that no Amendment which may be made prior to the Year one thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article;* and that no State, without its Consent, shall be deprived of its equal suffrage in the Senate

Confederate States Constitution

ARTICLE V.

Section 1 Upon the demand of any three States, legally assembled in their several Conventions, the Congress shall summon a convention of all the States, to take into consideration such amendments to the Constitution as the said States shall concur in suggesting at the time when the said demand is made; and should any of the proposed amendments to the Constitution be agreed on by the said convention—voting by States—and the same be ratified by the time legislatures of two-thirds of the several States, or by conventions in two-thirds thereof—as the one or the other mode of ratification may be proposed by the general convention—they shall thenceforward form a part of this Constitution. But no State shall, without its consent, be deprived of its equal representation in the Senate.

Proposals for amendments made by the Conventions of *three* States constituted a *demand* which the Congress could not refuse but must call a convention of all the States to consider the proposed amendments. Amendments could not be originated in the Congress, as is done in the United States, as the evident intention was to have all amendments come from Conventions of the People in the several States, and "the Congress shall summon a Convention of all the States." The "Conventions" of the States evidently were to be elected by the people especially for the purpose of considering constitutional changes and to embody the direct will of the people therein, and the amendments could also be ratified by Conventions of two-thirds of the States.

The Confederate Amending Article was a straight-away proposition that the people by "delegates" directly elected for that purpose should have their "demand" honored to call "conventions" of "delegates" from the people to agree upon amendments, and that a convention of the peoples' elected "delegates" should ratify the changes in the Constitution. These provisions brought the amending of the Confederate

Constitution directly to the people and made it the "Peoples' Law."

If, at least three of the States felt that the Constitution should be amended, their "demand" for a consideration was mandatory. They could readily rescind articles in their Constitution—and not allow them to become dead letters. Had articles in the Confederate Constitution become dead, they could be decently buried, and not remain an unsightly disgrace to an inefficient government.

PENDING AMENDMENTS IN THE UNITED STATES CONGRESS

Original Wadsworth-Garrett Amendment

ARTICLE V.

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, upon the application of two-thirds of the legislatures of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as a part of this Constitution when ratified by three-fourths of the several States either through their conventions or through the direct vote of their people at elections to be held under the authority of the respective States, reserving also to the States respectively the selection of either mode of ratification, and the authentication of the action taken, and until three-fourths of the States shall have ratified or more than one-fourth of the States shall have rejected a proposed amendment, any State may by the same mode selected change its vote: *Provided*, That if at any time more than one-fourth of the States have rejected the proposed amendment, said rejection shall be final and further consideration thereof by the States shall cease: *Provided further*, That any amendment proposed hereunder shall be inoperative unless it shall have been ratified as an amendment to the Constitution as provided in the Constitution within eight years from the date of submission hereof to the States by the Congress: *Provided further*, That no State, without its consent, shall be deprived of its equal suffrage in the Senate."

The Wadsworth-Garrett Amendment as Amended by the Senate Judiciary Committee

ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, upon the application of two-thirds of the legislatures of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as a part of this Constitution when ratified by a vote of the qualified electors in three-fourths of the several States, said election to be held under such rules and regulations as each State shall prescribe; and that until three-fourths of the States shall have ratified, or more than one-fourth of the States shall have rejected a proposed amendment any State may in like manner change its vote. *Provided*, That if at any time more than one-fourth of the States have rejected the proposed amendment, said rejection shall be final and further consideration thereof by the States shall cease: *Provided further*, That any amendment proposed hereunder shall be inoperative unless it shall have been ratified as an amendment to the Constitution as provided in the Constitution within six years from the date of submission hereof to the States by the Congress: *Provided further*, That no State, without its consent, shall be deprived of its equal suffrage in the Senate.

The "Original" leaves the mode of ratification to the several States either by "Conventions" or by "the direct vote of the

people." It provides that a State may change its vote. It has been held heretofore that when a State had voted to "Ratify" it could not change to "Reject;" also when more than one-fourth of the States have rejected an amendment, the matter is disposed of finally. Heretofore an amendment was held to be pending for all time so long as three-fourths of the States had not ratified. The Child Labor Amendment is now held to be pending although it has been rejected by more than thirty States. It is held that any State having "rejected" may change its action to "ratification." W. H. Anderson has resurrected an amendment over one hundred years old and is collecting funds to secure its ratification.

THE SENATE COMMITTEE'S AMENDMENT

This makes it mandatory that amendments shall be ratified by "a vote of the qualified electors" providing uniformity of ratification in all the States, making the people the authors of their own Constitution, and preventing the Lobby influence to control the Legislatures in ratifying.

AN AMENDMENT AS PROPOSED IN "MAKING AMERICA SAFE FOR DEMOCRACY"

"ARTICLE V.

"SECTION 1. The Congress, whenever three-fifths of both Houses shall deem it necessary, shall propose an amendment of this Constitution, or on the demand of the Legislatures of Twelve States shall propose amendments submitted by such legislatures, which, in either case, shall be submitted for ratification or rejection to the ballot of the voters of the United States as follows:

"The proposed amendment shall be submitted to the voters at the first election for members of the House of Representatives held after one year after the date of its proposal.

"The election authorities of each State shall certify and transmit a report of the number of votes as cast by Congressional Districts, and by the State as a whole for and against each proposed amendment, which report shall be directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and

House of Representatives, open all the certificates and by tellers from both Houses count the votes; one vote for each State and one vote for each Congressional District shall be credited by majorities for or against the amendment. Whenever a proposed amendment receives 55% of the entire authorized votes, it shall thenceforward form a part of this Constitution. Provided, that no State, without its consent, shall be deprived of its equal representation in the Senate.

"SECTION 2. The Congress shall have power to enforce the provisions of this Article by appropriate legislation."

The above amendment embodies all the good features of the "Wadsworth-Garrett" proposal, and contains the splendid features of the Confederate Constitution that mandatory action of twelve States may secure a vote by all the people of the nation on any amendment proposed by their Legislatures.

Another mode of proposing an amendment is that 60 per cent of both Houses propose it, instead of the present 66 per cent requirement.

To ratify an amendment under its provisions would require 266 votes of a possible 483 votes, representing 435 Congressional districts and 48 States.

WHY ARTICLE V SHOULD BE AMENDED

We affirm "that governments are instituted among men, deriving their *just* powers FROM THE CONSENT OF THE GOVERNED." That the basis of a Democratic government is its written constitution; that a constitution not ratified by the people themselves is not a valid foundation for a genuine Democratic government.

That legislatures are impotent to substitute for the people in making constitutions. That legislatures can not validly legislate and change the basic laws of the nation for the people of *other* states, and deprive these people of local self-government and destroy the reserved rights and powers guaranteed in the IXth and Xth amendments.

WE WOULD SUBSTITUTE for the present method an

amendment which will nullify the power of the legislature to destroy the right of the people to govern themselves by a constitution drafted by their own choice and consent.

We remedy the inequality of the system which gives twelve State Senators and twenty-seven Representatives the power to control one amending vote for 77,407 people of the State of Nevada, and thus equal or neutralize the single solitary vote cast for the 10,384,144 people of the State of New York.

We would make Democratic the oligarchic system which empowers six hundred and forty-six Senators and sixteen hundred and twenty Representatives of 36 States to change the fundamental law of the Nation and permits legislatures of states containing a minority of 11,000,000 people to dictate the basic laws under which all citizens are governed. We would "place this power in the people who are bounden by the constitution."

"We would distribute the power for the constitution-making among the people and the States in a fair proportionate ratio—with the entity of the State acknowledged, and the power of the people recognized—so that the people of the United States shall have the same power in making constitutions in and for the nation as they now have in and for the forty-eight States.

As now exercised by the legislatures "the power to amend is a power to destroy," and unless the power to amend is taken from the legislatures and vested in the people, we fear that the nation will destroy the hitherto "indestructible" States which compose the union and local self-government will remain but a memory.

A government half democratic and half oligarchic can not endure, and the people will not rest contented under constitutions drafted by the usurped power of lobby-controlled misrepresentative legislatures, which have no inherent power to legislate for the people of other States than their own."—The United States Constitution Referendum League.

TYRANNY OF THE DEAD GOVERNING THE LIVING

The Eighteenth Amendment was placed in the United States Constitution during a hysterical war period. It has completely failed to have the effect and produce the results that were anticipated by its adoption, and has produced many evils which are growing worse. Evidence accumulates that it is now the will of a large majority of the people that it shall be eliminated from the Constitution.

But, under the terms of Article V—the Amending Clause—the people can not secure an expression of their present feeling for its repeal; as there is no effective method by which it may be resubmitted.

Therefore, it will continue to encumber the Constitution and govern for generations after the People have objected to being governed thereby. This creates a tyranny in a republic, where a past generation will control and rule all generations to come against their wills, as absolutely as could a despotic monarch.

A great pioneer of democracy has said:

> "THE DEAD MAY NOT GOVERN THE LIVING." "There never did, there never will, and there never can exist, a parliament or any description of men or any generation of men, in any country possessed of the right or the power of binding and controlling posterity *to the end of time,* or of commanding forever how the world shall be governed, and therefore all such clauses or acts or declarations by which the making of them attempt to do what they have neither the right nor the power to do, are in themselves null and void. Every age and generation must be as free to act for itself *in all cases* as the age and generation which preceded it. The vanity and presumption of governing beyond the grave is the most ridiculous and insolent of all tyrannies. . . ."
>
> "Every generation is and must be, competent to all the purposes which its occasions require. It is the living, and not the dead, that are to be accommodated. When a man ceases to be, his power and his wants cease with him; and having no longer any participation in the concerns of this world, he has no longer any authority

in directing how its government shall be organized or how administered."—Conway's Writings, pages 227-278.

An illustration of the tyranny of the dead governing the living, is the use made of a statute passed in 1794 to close the Philadelphia Sesqui-Centennial which was invoked by the Sabbatarians and Ku Klux elements. A law made 132 years ago governing, four generations later, the great majority of whom are opposed to the closing of the Exposition, is an absurdity.

The legislators who enacted the Sunday observance law in 1794 have been dead more than one hundred years.

They rode in stage-coaches and used tallow dips for illumination; and, although dead, they continue to govern men who ride in air-ships and use electricity, not only for illumination, but for power, heat and medical purposes, and have a totally different environment, which requires laws made for the living by the living.

The Congress, controlled by the Anti-Saloon League, has refused to redistrict the United States House of Representatives as is required after each ten-year census, leaving the vote unfairly to the advantage of the Prohibitionists; and yet that organization compels a strict enforcement of all laws passed by its representatives fraudulently obtained and voting in opposition to the will of the people of their districts.

While the Anti-Saloon League is extravagant in its bestowal of the epithets of "Scoff-law" and "Traitor" to all those who legitimately oppose its tyrannous laws and methods of enforcement, it as a private organization, is shown to have taken charge of the administration of the public statutes of the State of Pennsylvania, and the Women's Christian Temperance Union furnished the money and made the appointment of the sleuths who did the searching of premises and afterward padlocked many.

In Indiana the Attorneys of the Anti-Saloon League were paid large fees from the State Treasury for enforcing the State law as a private enterprise, having no authority by

election to do so. The Superintendent and his two attorneys were brought before the State Supreme Court for "contempt" for having criticised the decisions of its judges in an untruthful and contemptuous manner, and attempting to cause the defeat of the judges by circulating false statements among the voters.

The Anti-Saloon League in the State of Kansas kept the Attorney-General of that State, and the Chief Justice of the Supreme Court, on their payroll, and used the money of the League to influence the re-election of these two officials, who were thus financially influenced to support the Anti-Saloon League and do special service for it as high judicial officials in the employment and pay of a private organization, which had invested money for their own special enforcement of the Statutes.

The Anti-Saloon League pleads that "in securing the enactment of the Volstead Law it complied with every provision of the national Constitution." So did the Slave-holders comply also with every provision of the Constitution when they secured the enactment of the Fugitive Slave Law to hold the Negroes in bondage. The difference in the two laws —the enactment of both being secured by compliance with the provisions of the national Constitution—is only a difference of degree: the Fugitive Slave Law holding only the Negroes in slavery, while the Volstead Act enslaves both Black and White. The operations of the Fugitive Slave Law were nullified by thousands of people, although it was pronounced "constitutional" by the United States Supreme Court in the "Dred Scott Decision."

The result of the resistance to unjust and tyrannous British tax laws was their nullification, the American Revolution, the creation of our Republic, and the political freedom of its citizens. The result of resistance to the Fugitive Slave Law was its nullification, the Civil War, and the freedom of the black slaves of America.

These two laws were passed under constitutional forms,

and so also was the Volstead Act passed under constitutional form; but they are all in a tyrannous spirit and opposed to personal and individual liberty, and as they thwart the freedom of the individual, it is not only his right but his duty to resist and use legal measures for its repeal. If he is denied his right of petition, of voting by referendum, then, when legal and orderly methods for its repeal have failed, it is his duty to overcome tyranny by nullification, being guided by that charter of democracy—the Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.

> "That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it. . . ."

William Allen White, a leading Prohibitionist of Kansas, in "Colliers" July 3, 1926 writes:

> "Prohibition is not a moral issue . . . Prohibition and slavery were both economic issues . . . the dominant Prohibitionists were not the Churchmen, the Preachers, or the women, but the business men, captains of industry, presidents of railroads, bankers . . . they desired a six-day labor week; they desired efficient returns for the billions invested in machinery, etc., etc. . . . The open saloon overstimulated the consumption of alcohol . . . A certain small but industrially important section of the community was afflicted by this overstimulated consumption of alcohol . . . That section was affected economically, industrially. First, a drunken Saturday night and Sunday made a bad Monday; and industry required a six-day week."

So these Captains of Industry organized and financied the Prohibition campaign with seventy million dollars to secure the adoption of Prohibition and to deny all men their right of choice, that their employes might be controlled to increase

their profits by working efficiently a "six-day" week.

For the same "economic" reasons these Captains of Industry have organized Congress and caused the people to pay a tariff tax on manufactured products, that "their profits might be increased."

In both the cases, prohibition and the tariff, the economic reason was the same—to "increase profits" by compelling the laborer to spend more time at work under prohibition to get his wages, and under the tariff, to spend more time and earn more money to enable him to pay a bigger price for the products to the Captains of Industry. But in both cases, all men, and not merely the employes of industry, are compelled to pay the price.

The political preachers will scoff at the Kansan who denies that Prohibition is a "moral issue" and is merely an "economic" one, as was Slavery. In its day, the preachers of the South supported Slavery as a "moral issue" by preaching from the text—"Slaves, obey your Masters." "The Constitution recognizes Slavery," was the language before the Civil War, and its upholders then felt, as was recently said by a Prohibitionist speaker, "All lawbreakers are traitors."

To fortify and make sure that Slavery should continue to be recognized in the law, the war with Mexico was connived for the purpose of gaining numbers of "Slave States" from the conquered territory and to add Congressional votes to prevent the abolition of Slavery.

But with this vast area annexed, slavery was abolished by Constitutional Amendment in less than two decades after the annexation of that which was expected to furnish votes for its support. To add to the votes of the enslaving power of the Prohibitionists, these "moral reformers" to serve the "economic" interests, promoted the Woman Suffrage Amendment, and caused its passage, hoping that it might add twenty million votes to their cause.

The Prohibitionists are disappointed for, when suffrage was three years old, at a referendum on the question of wine

and beer in Illinois on November 7, 1922, a majority of the women voted for the measure. There are three Congresswomen—all are for modifying the Volstead Act, and two are for repeal of the Prohibition amendment.

In view of these facts, the Anti-Saloon League fears to submit repeal of the Eighteenth Amendment to the Voters —both men and women. They instictively know that public opinion will decide against them, and hence oppose referenda on that question by every illegitimate means available. They are Tories and are disloyal to every principle on which this government is founded, and ignore and disobey the "will of the people," and with Vanderbilt say: "The People be d—d!"

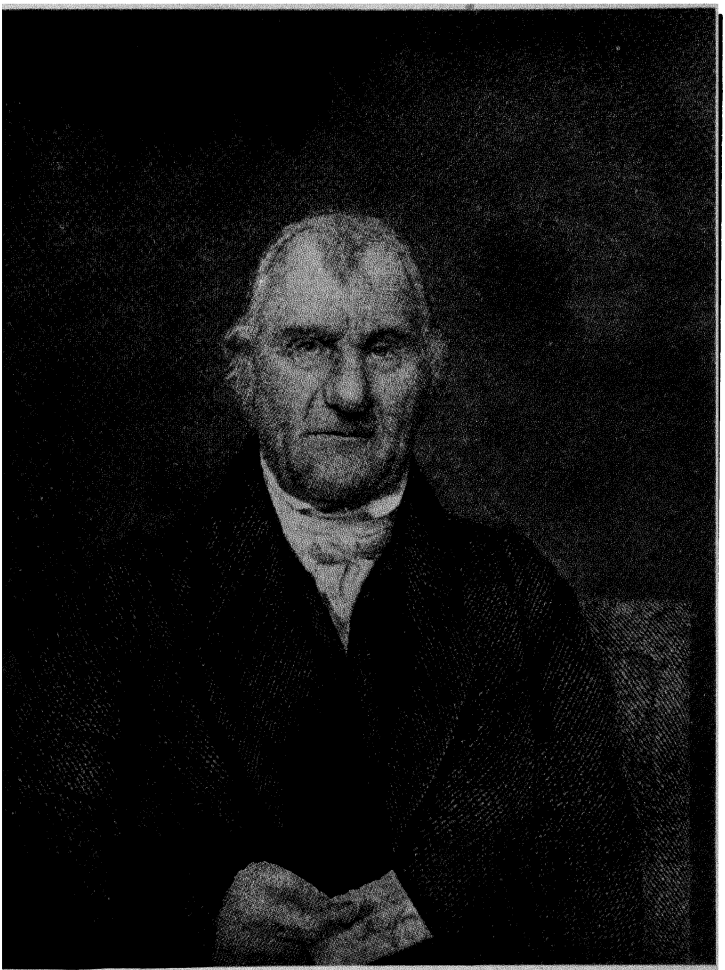
They brush aside the doctrines of that great Emancipator and martyr for the cause of freedom, Abraham Lincoln, who said:

> "Our Government rests on public opinion. Whoever can change public opinion can change the Government practically just so much. Public opinion on any subject has a 'central idea.' "—ABRAHAM LINCOLN at Republican banquet, Chicago, Dec. 10, 1855.

At present the "central idea" on which public opinion is focused is the Eighteenth Amendment, and it is on that subject that the referenda are directed. It is legitimate to demand that such ascertainment of public opinion shall be made and the government be adjusted to rest on the public opinion expressed at the election, to realize the hope of Lincoln, "that Government of the People, by the People, and for the People, shall not perish from the earth"—as is desired by the Prohibitionists.

Those Tories do not want the rule of the people, but desire arbitrary power kept in their own hands. Doctrine opposed to their view is laid down in the Kentucky Constitution, Bill of Rights, 1891:

> "Absolute and arbitrary power over the lives, liberty, and property of free men exists nowhere in a Republic, not even the largest majority."



PAYMASTER-GENERAL NEHEMIAH HUBBARD
(From "ONE THOUSAND YEARS OF HUBBARD HISTORY.")

PAYMASTER-GENERAL NEHEMIAH HUBBARD

(Revolutionary War) of Middletown, Ct.
(Descended from George Hubbard of Middletown, Ct.)

"Morristown (N. J.) Dec. 16th, (17)79

SIR: Mr. Olney wrote you a day or two since to send for the use of my family, if to be purchased, some Sugar and other Articles. If you can send me a quarter cask of wine, either of Port or Maderia it will oblige me, as Mrs. Greene has none to drink, and expects to be sick in a short time. I have only time to add that I am, with esteem,

Your friend,

N Greene

CHAPTER XI

THE REFERENDUM

WITHIN a few years twenty-two of our American States have adopted the Initiative and Referendum as Constitutional provisions for "direct action" by the People in making their own State and municipal laws. In 44 States there is statutory provision for the use of local referenda.

This rapid growth has promoting causes. These causes are stated by some of the students of "direct action" as follows.

Dr. Lucius F. C. Garvin in the North American Review for July, 1903, writes:

> "Finding that the representatives of the people . . . can be trusted neither to carry out the popular will . . . on every hand is heard the cry for direct legislation."

Hon. E. M. Phelps says:

> "The growing failure of the legislatures to respond to the will of the people, has resulted in a rapidly increasing demand for the direct participation of the electors in legislative affairs."

Thomas Jefferson wrote:

> "None of the fundamental laws and principles of government shall be repealed or altered but by the personal consent of the people on summons to meet in their respective counties on one and the same day, by an act of the legislature to be passed for every special occasion; and if in such county meetings the people of two-thirds of the counties shall give their suffrage for any particular alteration or repeal referred to them by the said act, the

same shall be accordingly repealed or altered, and such repeal or alteration shall take its place among the fundamentals and stand on the same footing with them, in lieu of the article repealed or altered."

The following quotation is a gem of pure logic of the Jeffersonian form.

Before enlisting to force two Constitutional Amendments on the People of the United States, without ascertaining their wishes, the inventor of the following thought then had the "Democratic Idea."

"According to the aristocratic idea, the representative thinks *for* his constituents; according to the democratic idea, the representative thinks *with* his constituents.

"A representative has *no* right to *defeat* the wishes of those who elect him, if he *knows* their wishes."—WM. J. BRYAN, "The Price of a Soul."

"Those States can only be denominated free which are governed under a Constitution, to which the citizens have given their consent"—Address of the Republican Society to the People of Pennsylvania in 1779.

"The power of altering the Constitution resides wholly in the people and they have a right to exercise that power in any way and at any time they may judge proper."—Memorial to Legislature of Pennsylvania, 1789.

"At some stage in the process of changing the form of government the people, by the development of more than a century, must be held to have won the indefeasible right to a direct vote upon this important subject."—OBERHOLTZER—"The Referendum in America," page 115.

"A state constitution is really nothing but a law made directly by the people voting at the polls upon a draft submitted to them."—JAMES BRYCE.

"A constitution to be valid would needs to be submitted to popular vote,"—OBERHOLTZER, "The Referendum in America," page 100.

"There can certainly be no doubt that the referendum on Constitutional Questions retains general respect in the United States, for the institution is as firmly rooted as ever and no one would seriously propose its abolition."—PROF. A. LAWRENCE LOWELL—"Public Opinion and Popular Government," page 171.

> "That the referendum on constitutional provisions has had a substantial effect in the American State there can be no doubt, for amendments referred to the people are often rejected . . . Legislators sometimes pass on to the people amendments in which they have little faith, *in order to rid themselves of uncomfortable political questions.*"—PROF. A. LAWRENCE LOWELL—"Public Opinion and Popular Government."

The principle of the referendum in making constitutions is as old as the Constitution—in fact, older; for in 1776, on June 14, "the Mechanics in Union" of New York City protested against the New York Legislature's adopting any Constitution, unless it should first be submitted to popular vote.

> "We could not, we never can, believe that you intended that the future delegates or yourselves should be visited with the power of framing a new constitution for this colony, and that its inhabitants at large should not exercise the right which God has given them, in common with all men, to judge whether it be convenient with their interest to accept or reject a constitution framed for the State of which they were members. This is the birthright of every man, to whatever State he may belong. . . . We are, alas, but too sensible that every individual is not qualified for assisting in the framing of a constitution. But that share of common sense which the Almighty has bountifully distributed amongst mankind in general is sufficient to quicken everyone's feelings and enable him to judge rightly what degree of safety, and what advantages he is likely to enjoy, or be deprived of, under any constitution proposed to him."—Force's American Archives (4th series, vol. 6, page 895.)

The people use their judgment freely in the disposal of constitutional proposals.

The Legislative Bulletin of the New York State Library for the years 1895 to 1897 inclusive, for all States shows one hundred and ten constitutional amendments submitted, and by the popular vote sixty were rejected.

In six years from 1886 to 1891, one hundred and sixteen amendments were voted on,—sixty-two were rejected and fifty-four accepted by the people.

DIRECT ACTION

That which one may do better for himself than if done by another, should not be performed by a second party. Representatives are chosen for a brief period, so that they may keep in touch with the people, and legislate in harmony with the will of their constituents; therefore the representative ceases his term of legislative duties every two years, and returns to the people. At these intervals the people may approve him and return him as their true representative to make for them their temporary statutory laws, which, if they prove unsatisfactory, may be easily repealed.

This is not true of a Constitution which is a fundamental and superior law, and difficult of change. If the representative makes an unsatisfactory Constitutional law, his defeat at the next election will affect nothing, because such change in the representative does not secure a change in the objectionable constitution, for it is beyond the power of a single representative or a large group of representatives, without the aid of complex government devices, to alter a constitution.

Therefore, it is not within the province of a representative legislator to act second-handedly for the citizen in making a constitution for the citizen to live under, and perhaps suffer from the consequences thereof.

The citizens, acting collectively, should delegate no powers to representatives to make constitutions, but should make them for themselves in a much more efficient manner.

CONSTITUTIONAL REFERENDUM IN THE STATES

Twenty-two States have adopted the Initiative and Referendum by Constitutional Amendment, for "state-wide" uses. In 44 States there is now statutory or constitutional provision for the Initiative and Referendum for the use of municipalities. There are but four of the forty-eight States with no provision for the Initiative and Referendum. They are: Delaware, Indiana, Rhode Island and Vermont.

The States having the full "State-Wide" referendum laws are:

Arizona	Michigan	North Dakota
Arkansas	Mississippi	Ohio
California	Missouri	Oklahoma
Colorado	Montana	Oregon
Kansas	Nebraska	South Dakota
Louisiana	Nevada	Utah
Maine	New Mexico	Washington
Maryland		

These States have 142 Representatives, about one-third of the House.

The forty-four States which have enacted limited Initiative and Referendum statutes, have 416 of 435 Representatives in the National Congress.

Under the law and practice it is particularly inconsistent for the voters of the "Referendum" States to permit their Legislatures to act on any amendment to the National Constitution without first submitting it to a referendum vote of their people. To allow the Legislatures to act on an Amendment to the National Constitution, is contrary to the practice of all States, except Delaware, in *their amendment of their State Constitutions.* Thirteen "Referendum" States require five per cent, two 6 per cent, and four 10 per cent of their voters by petition to secure a referendum. The inherent right of petition exists whether or not its granting is made obligatory by law.

It is reasonable to expect that any Legislature of any of the forty-eight States, on receipt by it of a petition containing from five to ten per cent of the voters' names in good form, so requesting, would submit to the voters for an advisory vote to be taken at the next general election, so that extra expense should not be incurred, the question whether the amendment to the Constitution should be ratified by the State Legislature.

If the Legislature should deny such a reasonable and logical request from the people that they should be allowed to determine the Constitutions under which they live, such Leg-

islature would be guilty of a denial of the people's right and an embezzlement of the power of the electors. Such political usurpation in its enormity would far exceed any political injustice practiced in the United States of Germany.

The principle under which the people rule by the Initiative and Referendum is well expressed by the Constitution of the State of Oregon:

"ARTICLE IV

LEGISLATIVE DEPARTMENT

1. *Legislative Authority—Style of Bill—Initiative and Referendum.*

"The legislative authority of the state shall be vested in a legislative assembly, consisting of a senate and house of representatives, but *the people reserve to themselves power to propose laws and amendments to the constitution and to enact or reject the same at the polls, independent of the legislative assembly, and also reserve power at their own option to approve or reject at the polls any act of the legislative assembly.* The first power reserved by the people is the initiative, and not more than eight per cent of the legal voters shall be required to propose any measure by such petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions shall be filed with the Secretary of State not less than four months before the election at which they are to be voted upon. The second power is the referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety), either by the petition signed by five per cent of the legal voters, or by the legislative assembly, as other bills are enacted. Referendum petitions shall be filed with the Secretary of State not more than ninety days after the final adjournment of the session of the legislative assembly which passed the bill on which the referendum is demanded. The veto power of the governor shall not extend to measures referred to the people. All elections on measures referred to the people of the state shall be had at the biennial regular general elections, except when the legislative assembly

shall order a special election. Any measure referred to the people shall take effect and become the law when it is approved by a majority of the votes cast thereon, and not otherwise. The style of all bills shall be: "Be it enacted by the people of the state of Oregon." This section shall not be construed to deprive any member of the legislative assembly of the right to introduce any measure. The whole number of votes cast for justice of the supreme court at the regular election last preceding the filing of any petition for the initiative or for the referendum shall be the basis on which the number of legal voters necessary to sign such petition shall be counted. Petitions and orders for the initiative and for the referendum shall be filed with the Secretary of State, and in submitting the same to the people he, and all other officers, shall be guided by the general laws and the act submitting this amendment, until legislation shall be especially provided therefor."

The Constitutional Convention of 1787, announced the doctrine of the people adopting their own constitutions first hand, as is shown by the following:

WASHINGTON'S LETTER TRANSMITTING THE PROPOSED CONSTITUTION TO THE CONGRESS

(Finale of the Constitutional Convention)

RESOLVED,—That the preceding Constitution be laid before the United States in Congress assembled and that it is the opinion of this Convention that it should afterward be submitted to a Convention of Delegates *chosen* in each state *by the People thereof . . . for their assent and ratification . . .* By the *unanimous* order of the Convention September 17, 1787.

G. WASHINGTON,
PRESIDENT.

The Convention was opposed to the legislatures ratifying the original Constitution. Conforming to the will of the Convention, the Constitution was ratified by the People, and the Legislatures of the original 13 States had no voice in its adoption.—Shall we progress, not retrograde?

ATTITUDE OF SINCERE ADVOCATES OF THE REFERENDUM

The sincere advocate of pure Democracy who believes in and would practice the referendum, will hail this proposed method for amendment of the National Constitution as an advance in human progress, and efficient government. for he esteems his vote at the polls on any question of more value than the vote of his State, cast second-hand, and sometimes harmfully, by the Legislature, which may act against instructions.

He would be equitable, and as a matter of right accord to every voter of every State the same right to personal political power as himself; for the real democrat is not merely professedly so—he believes in men, not things; in peoples, and States only as they represent Peoples. To him the State is an association of men, each with individual rights and powers for use for the benefit and welfare of all.

To him, the State is never an aggregation for the purpose of forcing harmful hobbies on even the least and weakest of its citizens.

Loud professors of the doctrine of the referendum, who are using super-efforts to maintain the 18th Amendment and the Volstead Act, preceding a referendum, are not sincere.

CONSTITUTION-MAKING BY THE PEOPLE AND NOT BY "QUORUMS"

Does it occur to you that 2200 men—the majority of the quorums of 36 legislatures—may, and have, changed your national Constitution? Whereas, under democratic methods, it should only be amended by the votes of TWENTY MILLION PEOPLE, a majority of the sovereign rulers of America, and not a "majority of a quorum" of three-fourths of the States' legislatures.

CHAPTER XII

PUBLIC OPINION

THE REFERENDA AS A MEANS OF ASCERTAINING THE WILL OF THE PEOPLE

DURING eight years' experimentation with the Volstead Law, it has proved unsatisfactory in its operation, to a large number of people who desire to modify the law in such a manner as to permit the use of wine and beer of low alcoholic content, but not to permit the return of the saloon.

This demand for modification is so strong that its advocates desire to submit it to a legal form of referendum under which the real views of the people of the country may be ascertained and members of Congress and of the various State legislatures may be mandated by their constituents to vote in accordance with the will of the People, thus legally ascertained.

This demand by the People has been vehemently assailed by the Prohibitionists, as in the "American Issue," the organ of the Anti-Saloon League, "because of the impossibility of securing an honest vote on the question." This is contradictory of the position of the Anti-Saloon League before prohibition was adopted from the fact that they advocated referenda in States and Counties, and even townships, to determine the question whether local prohibition should be enacted in these various political bodies; and the Prohibitionists in former times secured the passage of laws from legislatures, permitting referenda to ascertain the public opinion in as small political units as wards. This is a contradiction of the assertion of the Prohibitionists that an

honest vote on the question cannot now be taken by States, and is a reversal of their former position when they thought that their cause would be benefited by the use of referenda. The Prohibitionists further object, "because of the precedent it establishes in undermining the stability of our laws."

There is an intimation in this suggestion that the Prohibition enactment is perfect, and being so, it is not subject to change, even at the will of the People. This is a great tribute by themselves to the perfection of the act secured by the lobbying of the Anti-Saloon League. The Prohibitionists would have us venerate anything which they do, as we would the divine law, which is immutable and irrepealable, and its proposal having been made by the self-appointed theocrats, it is binding on all people for all time. The facts are that the Anti-Saloon League, to secure final national prohibition, pursued the same course of voicing public opinion that is now advocated by their opponents; namely, referenda by States, until they had secured favorable verdicts by the people of over thirty States by referenda, after which they caused the adoption of the Eighteenth Amendment, which forced prohibition on some of the other States which had not acquiesced by the vote of their people. The Anti-Saloon League says that in securing the enactment of the Eighteenth Amendment and the passage of the Volstead Act, "the Drys complied with every provision of the National Constitution." They fail to state that during the adoption of the Eighteenth Amendment by the Legislatures, and not by the vote of the People, that we were in a wave of war hysteria which disturbed clear thinking, and that over 2,000,000 of our voters were abroad.

The opponents of the Eighteenth Amendment and the Volstead Act also intend to comply with every provision of the National Constitution, in the repeal of the Eighteenth Amendment, and to do so, they will use the same methods, by referenda, as has the Anti-Saloon League; and to attack the Eighteenth Amendment logically, it will require

that the People be consulted and their views ascertained through the ballot box. If the opponents of the Eighteenth Amendment succeed in securing the approval of repeal by a majority of the people in a majority of the States, then their next move will be a national one. It is inconsistent for the Prohibitionists to disapprove the method which is being used by their opponents, which originally was used by the Anti-Saloon League itself before the Eighteenth Amendment was submitted to the Legislatures for their approval without the direct consent of the voters. Now the Anti-Prohibitionists intend to take a vote of the whole people when all are at home and in a state of calmness. The opponents of the Eighteenth Amendment and the Volstead Act are confident that the people recognize the failure of this "great experiment" and that the enactment of prohibition has brought about evils which menace the welfare of the country, and is destroying morals and respect for law and the people now desire to express themselves in the most legitimate way to the end that the law-making bodies will repeal this Constitutional amendment. Another reason given by the Anti-Saloon League in opposition to a referendum on this question is, that "it would be quite impossible, even at the time of the general election, to secure a referendum on this subject in the large cities, which could be trusted as the honest expression of popular opinion." In former times, the Anti-Saloon League depended upon these expressions, even in large cities, and a few years before the adoption of national prohibition, the Prohibitionists demanded and planned a referendum in the city of Chicago alone, to determine the question, if the people of Chicago desired the saloons closed. Evidently, at that time, the Anti-Saloon League believed that the people of Chicago could get an honest and full expression of their voters' wish by the way which they now oppose.

The objection to the large cities' having a vote on one of the vital questions of the day, which affects the large cities

more than it does the country districts, is a denial of the rights of the human beings who reside in the centers of population, and exhibits the undemocratic and un-American spirit of the organization which manages, and profits by, the attempt to enforce the Volstead Act.

This narrow and undemocratic and illiberal spirit denying the citizens of the large cities a vote on the question is on a par with the acts of the Prohibitionists in the State of Illinois to prevent the redistricting of the State for twenty-five years, whereby the down-state area has an apportionment of twenty members of the legislature, which according to population, belong to the city of Chicago; and to perpetuate their rule, the Prohibitionists have embezzled twenty votes in the State of Illinois from the city of Chicago and turned these votes to the benefit of this theocratic, arrogant government and against the interests of three millions of people in the city of Chicago. The Anti-Saloon League of Illinois has disloyally prevented the redistricting of the Congressional districts since 1910. Cook County has nine Congressmen and under a proportional representation would have thirteen, a gain of four votes, which are now embezzled by the Anti-Saloon League to support its great "moral" issue.

To secure the adoption of Suffrage, the Prohibitionists violated the spirit of the Constitution and falsified the will of the people of thirty-three States who had voted against Suffrage by referendum from one to three times and defeated it. But the Prohibitionists by means of a vote of the legislatures secured its ratification against the will of the voters.

Senator David I. Walsh of Massachusetts, in commenting on the adoption of Woman Suffrage, said:

> "I would like to know, is there any more serious indictment of a system of democratic government than the claim that it is possible to change the organic law against the will of the people; I repeat, is there anything more serious than that? In my own State it has been done.

The Legislature of my State voted to ratify one of those amendments which a majority of the people were, are, and always have been opposed to."

OPPOSITION TO REFERENDA

The Anti-Saloon League offers many excuses for its opposition to obtaining the will of the people by means of a referendum. It does not do so on account of its reverence for political forms of action, but because it does not want the people to have their rule in this government. In opposition to the proposed referendum in the November, 1926, elections in the State of Illinois, the Methodist ministers of Chicago on June 24 authorized the Reverend Kirk W. Robbins to make protest to the Secretary of State against putting a referendum, on the November ballot, which refers to the permission of the use of light wines and beer. He was instructed, that if failing to prevent this question going on the ballot by his appeal to the Secretary of State, he was to bring suit to prevent the State Treasurer paying the expenses involved in such a referendum. In this case, this branch of the Prohibitionists was quite willing to ignore the state law requiring a referendum to be placed on the ballot whenever 10 per cent of the voters petition for the same. Although the Anti-Prohibitionists have complied with every provision of the statute, the Prohibitionists are anxious to thwart the will of their opponents, though their opponents are in a large majority. "The American Issue" criticises the referendum held on November 7, 1922, in which 1,577,353 votes were cast, and the affirmative, for permitting the use of light wines and beer, received 1,065,242 votes; the negative received 512,111 votes. The majority is more than two to one in favor of the permission of the use of wine and beer. The referendum vote lacked only 137,161 of the total vote cast for the legislature running at the same election. At this election, the Anti-Saloon League advised their members to take no part. If their members really took no part in that election, it shows that they had but 8 per cent of the total vote of the

State, but the Prohibitionists resorted to this sham pretending that the vote did not reflect the will of the people.

The Anti-Saloon League in its organ, "The American Issue," complains that a referendum on the prohibition question taken in cities would not be honest, assuming that the populations and election officials of great cities are not fair, and that country electors are honest and make truthful returns of balloting. This is a direct insult to good men and women in cities, and a denial that a government by the people can be honest in large cities. If there is any difference between the votes cast in large cities and in country districts, it is favorable to fair elections in cities. The country districts have no registration of voters in Illinois, whereas the cities have registration of voters and careful inspections of their right to vote; and the room for fraud is much greater in the country than it is in the city.

This opposition of the Prohibitionists to referendum is in perfect harmony with their arrogance and tyranny in making a law which gives a Prohibitionist two choices—whether he will drink alcoholics or not, and also a choice for his neighbor, that he shall not drink. Following up the same conceited estimate of his ability to judge for himself and for others, since he has the prohibition law on the books, which gives him two choices, he cannot see how it is possible for the anti-prohibitionists to exercise a choice for himself by means of a referendum on the limited use of non-intoxicating beer and wine.

The Prohibitionists mean by this attitude that they would abolish local self-government and the rights of the States to control their own internal affairs in all respects, if their theories prevail. There are deeper questions back of the nationalization of the liquor question than prohibition. Prohibition takes from the States their police power and invests it in the National Government. Those opposed to the government by the States are advocating an amendment authorizing Congress to establish uniform laws of marriage and

divorce. If that amendment is adopted, there will not be a square foot of territory in the United States where it will be unlawful for Negroes and Whites to intermarry.

The principle involved in the Eighteenth Amendment is so vicious, and in its consequences leads to so many evils, that such amendment should be carved out of the body-politic as a cancer which will, if it remains, corrupt the life-blood of the Nation, by additional malignant growths. The Eighteenth Amendment has been held by good lawyers to be unconstitutional, from the fact that it conflicts with Article X of the amendments:

> "The powers not delegated to the United States by the Constitution nor prohibited by it to the States, are reserved to the States respectively or to the people."

This means in unmistakable language that the States individually—"respectively"—retained and "reserved" to themselves the "police power" and the determination of the "qualification of voters," for in the Constitution these powers were "not delegated" to the United States.

SENATOR BORAH, FOR AND AGAINST THE REFERENDUM

Senator Borah, in an address before the Presbyterian General Assembly at Baltimore, on May 30, 1926, said:

> "If the people want to take the Eighteenth Amendment out of the Constitution in the only constitutional way it can be taken out, if they want to turn this problem back to the States and believe that to be the wiser course, that is their unquestioned right; but so long as it stands—speaking for myself—I would kick into the wastebasket any referendum which would compromise, either in letter or in spirit, its execution."

Senator Borah assumes that there is but one way to change the Constitution, when he states "the only constitutional way it can be taken out." He has evidently forgotten that there are two constitutional ways in which an Article of the Constitution can be taken out therefrom.

Article V gives the first constitutional way as follows: "The Congress . . . on the application of the legislatures

of two-thirds of the several States, shall call a Convention for proposing amendments, which shall be valid to all intents and purposes as a part of this Constitution, when ratified by Conventions in three-fourths of the States. . . ."

This implies that the legislatures of two-thirds of the States shall make application to Congress that a Convention shall be called for proposing amendments, and when such Convention is called on the application of the States and agreed to by three-fourths of the Conventions of the States, the amendment shall be equally as valid as the one commonly used now—the ratification of proposals made by Congress by the Legislatures of three-fourths of the States. It is evident that to ascertain the will of the people in the various States, before asking that Congress shall authorize Conventions in the various States, some method must be used to notify the legislatures what the will of the people is. Petitions by the people to the legislature would be insufficient, and only a general referendum authorized and taken at a general election would be a thorough and efficient way to notify the legislature that the people desired it to make application to Congress to authorize a Convention for changing the Constitution.

It must be apparent to Senator Borah and the Anti-Saloon League, which opposes referenda, that if this mode of changing the Constitution by Conventions is adopted, referenda are absolutely necessary and essential, and such a referendum could hardly be "kicked into the wastebasket" by Senator Borah.

President Lincoln approved this method of changing the Constitution, in relation to the question of Slavery, in his first Inaugural Speech.

Before the Protestant Ministerial Association at Augusta, Georgia, Senator Borah complains that if the people ignore the enforcement of the Volstead Act or by Act of Congress allow the legislatures of the various States to fix the alcoholic percentage of beverages sold, that thereby the provisions of

the Constitution will be evaded and nullified, and our government will be threatened with anarchy, bolshevikism and disruption. Senator Borah and his fellow senators from the South have permitted the 14th and 15th amendments to be ignored and disused, as in that matter, there are two blank sections in the Constitution, whereas, on the printed page these amendments provide for the Negroes exercising full power of suffrage, and it is made the duty of Mr. Borah and his fellow senators to reduce the number of Representatives of the States which prevent the Negroes voting.

Although Mr. Borah has been a member of the Senate for fourteen years, he has made no attempt to make the 14th and 15th amendments operative. It is fair to assume that he acquiesces in their nullification as being for the good of the country, and he knows that allowing the 18th amendment to become inoperative would not produce anarchy and national disruption, but acquiescence in the treatment of the 18th amendment as a dead letter would create better government, respect for law and the contentment of the people as has the ignoring and forgetting of the 14th and 15th amendments promoted peace and concord.

The real objection of Senator Borah and the Prohibitionists is to a referendum which gives a chance for the expression of hostility to the Volstead law—they want to choke off any expression of popular opinion.

Senator Borah is favorable to referenda when his interests are involved. In a nomination contest for election of Senator from the State of Idaho, it was proposed by the politicians to abolish the Primary Law, which was, in effect, a referendum to the voters of the names of candidates. In that case, Senator Borah opposed the same.

Heretofore, Senator Borah has been a valiant defender in the protection of citizens in the exercise of their legal rights. The Star Company in 1921, under their copyright, published the following in the Hearst newspapers:

> "Senator Borah . . . has again put the nation under obligation by filing a bill to enforce the sanctity of our constitutional guarantees.
>
> "Senator Borah's bill provides for the punishment by fine of from five to ten thousand dollars any State officer who interferes with the attempt of any person . . . to exercise any constitutional and legal privilege to 'propose, discuss, advance, advocate or promote by any lawful means any Federal statute or any amendment of the Federal Constitution.' "

The various State referenda proposed by the people of the separate States are legal privileges of the citizens to propose and discuss the Volstead Act, which is a Federal statute, and also the annullment of the Eighteenth Amendment to the Constitution, and under the bill introduced by Senator Borah the Anti-Saloon League or any other organization which interferes with any attempt of such person to so exercise his right of petition by referenda would be punished in accordance with Senator Borah's bill, and Senator Borah himself could not legally "kick such referenda into the wastebasket" without suffering the penalty fixed in his own bill.

In closing the editorial on Senator Borah's proposed law, the Hearst papers comment:

> "If Senator Borah's bill is enacted into law by the next Congress, that provision in our Constitution which guarantees a 'republican form of government' in all our States will actually guarantee it and will not continue to be, as it has been for years, a dead letter."

Senator Borah further says in his Baltimore speech, "So long as the Constitution stands we should not compromise nor falter in its execution." This must be another change of opinion by the Senator, from the fact that as the Supreme Court of the United States is the final "interpreter of the Constitution," and has from the beginning rendered decisions by a majority of that tribunal—that is, by five members—and its decisions by a vote of five to four have always

been held to govern; but recently, Senator Borah "has faltered" in regard to this method of the Supreme Court and has introduced a proposal that seven out of the nine judges must concur in holding an act of Congress unconstitutional, which is the same thing as proposing that if less than seven judges concur in pronouncing an act invalid, the Court shall hold it valid, or, in other words, if three out of nine judges believe an act to be constitutional, and if six judges believe it to be unconstitutional, the case shall be decided according to the views of the minority.

Senator Borah's proposal now is that Congress shall step in and say to the Court:

> "In the case before you in which John Citizen, plaintiff, relies on the act of Congress, and James Voter, defendant, relies on the Constitution and claims the statute to be invalid, then, if six judges only, think James Voter is right, the view of three judges, the minority, prevails and the Court must render its decision in favor of John Citizen."

Senator Borah's pronunciamento that so long as the Constitution stands we "should not compromise or falter" in its execution, would be absolutely reversed if his scheme for decisions of the Supreme Court to require seven affirmative votes to declare a law unconstitutional, was passed.

The attempt by the Prohibitionists to prevent the people from expressing their sentiments by means of a referendum is disloyalty to the principles of Democracy which is "of the people, by the people and for the people." Prohibitionists pretend that the people by the use of a referendum are trying to overthrow the Constitution: They are deceivers! They know that they falsify!

The proposed referendum is merely a "petition" to Congress asking that the People be relieved of the tyranny of the Volstead Act, and a request that Congress act. The referendum is a "petition" by a universal vote, and is authorized by the First Amendment to the Constitution:

> "Congress shall make no law abridging the right of the people to petition the Government for the redress of grievances."

The Prohibitionists fear that the majority of the referendum would overwhelm them. They want to deny free political action so that their minority will continue to tyrannically rule over the majority.

CHAPTER XIII

PERVERSION OF THE CONSTITUTION AND OF THE LAW

"GOVERNMENTS are instituted among men deriving their just powers from *the consent of the governed,*" is the language of the Declaration of Independence.

The source of government and the authority for government, in Republics and Democracies, is inherent in the people and depends on "the consent of the governed." The "consent of the governed" depends on Public Opinion, and it is necessary to secure such an opinion by a thorough method to make certain that an opinion is "Public," and the desire voiced thereby comes from a full and fair majority of the citizens and under conditions of calm deliberation free from intimidating or hysterical excitements creating an atmosphere of unreality, which beclouds the pending public policy question at issue.

To be "Public Opinion" it means that all the citizens to be affected by Constitutions or laws made in accordance with the rendition of the Opinion should have had full opportunity for expression of their individual opinions in a proportional ratio to the voices of all other citizens. It is obvious that there are questions which are not subject to, and may not be decided by, the Public Opinion.

These are questions which lie beyond the domain of government, over which government has no power.

They embrace the "unalienable rights" of men by which they are endowed by their Creator—the establishment, con-

trol or prohibition of religion—the denial of free speech and free press—free assemblage, and the right of the people to petition the Government—and especially the right of the people to ascertain and express their opinions in giving assent or expressing dissent to the powers of the Government; for the voicing of public sentiment is the foundation on which popular free government rests.

In the United States' Constitution there are special "reservations"—Article V provides "that no State without its consent, shall be deprived of its equal suffrage in the Senate;" and this representation of the States in the Senate is not subject to the will of a public opinion expressed throughout the various States.

That the power of the Federal Government should be strictly and clearly defined, so that it should act within these restricted powers was emphasized by Articles IX and X of the Amendments to the Constitution. Article IX reads:

> "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

By this Article it was meant that the United States as a whole should not assume any rights to itself except those which were enumerated in the Constitution, and all such rights are beyond the power of the United States as a government, or the people of the United States as a whole acting individually or by States to change by Public Opinion. Article X reads:

> "The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people."

In forming the Federal Constitution it was intended that the Federal State should be limited in its powers and that no grant of power, not specifically made should be assumed; and that the State or its citizens should retain all other rights, not so specifically granted to the United States government.

Defining her position New York State in her ratification of the Constitution said, "that every power, jurisdiction, and right which is not by the said Constitution clearly delegated to the Congress of the United States or the departments of the government thereof, remains in the people of the several States or to their respective State Governments to whom they have granted the same; and that those clauses in the said Constitution which declares that Congress shall not have or exercise certain powers do not imply that Congress is entitled to any powers not given by the said Constitution but such clauses are to be continued either as exceptions to certain specified powers or inserted merely for greater caution."

The original Constitution did not delegate to the United States the power to define the voters of the States. There were no "United States Voters" but all voters were created by the States separately, some States requiring property qualifications, other States educational qualifications, and the various States limiting the term of residence before a person could vote therein. The States also reserved their own police power for the control and regulation of the State laws, and the United States controlled the police powers for infractions of National laws. It has been held by eminent political scientists that in view of this enumeration of powers defining the limitation of the United States and the powers reserved by the States respectively and the people of the various States that no State should be deprived of these reserved rights, as fixed by the Constitution, by the action of other States in abrogating the rights and privileges of the individual States. In the cases before the Supreme Court from the States of Maryland and Rhode Island, the briefs clearly indicate the position of these States; that the ratification of the Eighteenth and Nineteenth Amendments were made by other States which exceeded their powers as defined by the Constitution and extended their sovereignty over the States of Rhode Island and Maryland in such a manner as to deprive the two States of their Constitutional right to control the two subjects.

Taking the view of the eminent attorneys who argued these cases, the questions of prohibition and woman suffrage are not proper subjects to be acted upon by the Public Opinion of other States, whose adoption of these amendments deprived the two States of rights which were plainly guaranteed in the Constitution.

While the adoption of these Amendments was clearly against the spirit of the Constitution and the rights of these States were impaired, the probable reason that the Supreme Court did not intervene and prevent the adoption of these Amendments was that they were "political questions," as so ably defined by James M. Beck in his "Constitution of the United States," page 216:

> ". . . In the United States, however, the confidence that the Supreme Court will itself protect these guarantees of liberty has led to a diminution of the sense of constitutional morality, both in the people and in their representatives. It abates the vigilance which is said to be ever the price of liberty.
>
> "Laws are passed which transgress the limitations of the Constitution, without adequate discussion as to their unconstitutional character for the reason that the determination of this fact is erroneously supposed to be the exclusive function of the Judiciary.
>
> "The Judiciary, contrary to the common supposition, has no plenary power to nullify unconstitutional laws. It can act only in cases in which concrete questions are presented for its consideration, and only in cases involving justiciable, as distinguished from strictly political questions. Moreover, the Judiciary can declare legislation unconstitutional only when there is an irreconcilable and indubitable repugnancy between a law and the Constitution. Obviously, laws can be passed from motives that are anti-constitutional, and there is a wide sphere of political discretion in which many acts can be done which, while politically anti-constitutional, are not juridically unconstitutional. For this reason the undue dependence upon the Judiciary to nullify every law which either in form, necessary operation, or motive transgresses

the Constitution, has so far lessened the vigilance of the people to protect their own Constitution as to lead to its serious impairment."

PROHIBITION CAMOUFLAGE

THE CHICAGO DAILY TRIBUNE, in its issue of July 8, 1926, said:

"Wayne B. Wheeler, general counsel of the Anti-Saloon League, succeeded in plugging up most of the sources of information as to money contributions to the organization for its control of politics and government.

"The partial disclosure revealed that the Rockefellers contributed $20,000 to the national Organization within the period for which figures were made public. Wheeler's stated reason for blocking publicity at this point and holding back the great bulk of secrets was curious. He said it might have a harmful effect on the 'family, social and business relations' of the donors.

"That's an odd view to take of contributions to a cause of professed morality and social welfare.

"The stigma now seems to attach to the dry cause and the opposition might agree if it had more information More information is just what Mr. Wheeler will not allow to get out if he can help it. . . . The Anti-Saloon League long refused to report how much it collected and how it spent it. Disclosures in part have shown forty-five millions of dollars and that is nowhere near a complete accounting. Who gave it and why? That is still covered up.

"What were all the purposes to be accomplished by the financing of this attack on the proper government of the American people? We are convinced that one of them was to divert public attention from attacks on big money. It was to give reform a hue and cry on another trail.

"There never was before an organization professing to be of superior public morals which hid its processes with so much successful secrecy."

The story of the prohibition movement in Iowa is a good illustration of the motives which sometimes energize a great "moral" movement. Judge James G. Day, formerly Justice of the Supreme Court of Iowa, some years ago related the following:

"There was a movement in Iowa for the purpose of reducing the enormous freight rates in that State. It was well under way with great impetus and had promise of being successful at the next session of the legislature.

"One evening a private car owned by a prominent railway attorney, N. M. Hubbard of Cedar Rapids, containing a politician of national prominence of Dubuque, another of Clarinda, and the attorney, was switched into a side track in Des Moines. The editor of the leading daily in the State Capital joined the three and after a sumptuous meal accompanied by wine, cocktails, brandy and champagne had been served, the four went into executive session on the condition of freight legislation in the State. The attorney cited the fact that Auditor Brown and Mr. Anderson, and the Iowa "Homestead" had created much sentiment for the reduction of freight rates, and asked the advice of his three companions as to how this sentiment could be diverted, and reduction of freight rates by legislation might be prevented. The Editor said, 'It is very simple. While the main public question now in Iowa is regulation of freight rates, the thing to do is to divert attention to a great "moral issue." If "prohibition" should be brought up, the reformers of Iowa, including the ministers, the church people, and ambitious young orators, will take up the subject and we will pledge the members of the legislature to enact Prohibition, to the exclusion of other issues; and our men who are running can get elected under the camouflage of prohibition.' "

This was the programme agreed upon, and the "Big Four" assisting the attorney, "Rhet," "Dave" and "Pete" having drunk a parting toast to the great "moral cause" of Prohibition, separated. The next morning the "Des Moines Register" contained a double-leaded editorial on the necessity of making the State of Iowa dry for the benefit of all the citizens, and claiming that this was a paramount question. This was taken up by other newspapers and religious journals throughout the State, and when the legislature met an Amendment act was passed on prohibition, and freight rates were sidetracked for some years. These men, at that time, were not

sincere in having prohibition actually take effect, so it was connived that a variance in language should be used. This is the story from the Anti-Saloon League Year Book 1920:

CAMOUFLAGE

"In 1857 the States adopted a new constitution which provides that amendments must be passed by two successive legislatures, and ratified by a majority of the voters. In 1880, and again in 1882, a proposed prohibition amendment passed both houses . . . and on June 27, 1882, the people voted on it,—the vote standing 155,436 for, to 125,677 against the amendment,—a majority of 29,759.

The amendment was contested in the courts and it was found that four words, 'or to be used' were omitted from the amendment which passed the second legislature and was voted on by the people.

On this technicality the Supreme Court held that it was not the same amendment which passed both houses and the amendment was void."

Because Judge Day would not be subservient to fanatical demands and declare the Amendment valid, the Prohibitionists punished him by defeating him for re-election.

Iowa passed a Statutory prohibition law in 1884, which the Anti-Saloon League admits "was openly and flagrantly violated," and a "Mulct Law" was passed to permit its violation.

Up to 1916 "prohibition" was in frenzied controversy in Iowa, in which time twelve amendments were added, and the public mind diverted from "freight rates," and the time of the Legislature and courts squandered.

These men had a great financial motive in advocating "Prohibition" under which they continued to extort millions of dollars through exorbitant freight rates, and the suggestion in the editorial of the "Tribune" that our present prohibition law is perhaps to divert public attention from attacks on "big money" merely "to give reform a hue and cry on another trail" is indeed plausible.

Julian Codman, in Liberty, July 17, in an article on Prohibition, says:

> "Prohibition was foisted upon the country through emotion, prejudice, and passion, fanned into fury by thousands of professional reformers; and among the propagandists were many political preachers and churchmen, who have thus betrayed the principle of complete separation of church and state in American government. Through their identification with the Committee of One Thousand for Law Enforcement, it appears that Mr. Rockefeller, Jr. and Judge Gary are keen for the enforcement of the prohibition law, and Judge Gary's interest might further be illustrated by the fact that he continues to pay the salary of one of his railroad officials who is now serving as prohibition administrator.
>
> "The prohibition law enforcement and prohibition patriotism were inspired by the wealth and influence of those who, through their corporate connections, were not long ago under the penalty of the law and under the threat of the Government.
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> "We desire particularly to have Mr. Wheeler interrogated as to the amount of the contribution to the Anti-Saloon League by Mr. Rockefeller and Judge Gary and other captains of industry; and also ask the significance of the strange phenomenon that after the alliance of the Anti-Saloon League and big business to keep up a continuous ferment or smoke screen over prohibition, anti-trust prosecution suddenly ceased and certain great political leaders who had wrought the country with their denunciation of capital and restraint of trade became strangely silent on this subject after their zeal in prohibition had reached the Anti-Saloon League Payroll stage."

Senator James A. Reed of Missouri, Chairman of the U. S. Senate Committee, investigating primary election expenses brought out the fact from Samuel Insull, Manager of vast interests owning gas, electric, water and transportation plants in Illinois, had given Frank L. Smith, prohibition candidate for the Senatorship, $158,735.19 to secure his nomination April 13, 1926. Smith as congressman from the Seventeenth district voted for the Volstead Act and, in the primary for

Senator, had the endorsement of the Illinois Anti-Saloon League. He also has been Chairman of the Illinois Commerce Commission which fixes the rates of charge on all public utilities in the State.

Such an official could have been, and may continue to be of great value to the Manager of utilities plants which serve all the people.

Under the circumstances, is it plausible to conceive that Frank L. Smith is running under a camouflage of "prohibition" to prohibit the use of alcoholics by the people, but really to be able to serve Mr. Samuel Insull by forcing his customers to pay exorbitant rates?

Is the Anti-Saloon League a clearing house for the benefit of Monopolists who give freely of their easy money to support a great "Moral Cause?"

In the investigation of the Senatorial Primary in the State of Pennsylvania, it was developed that about two and one-fourth millions was spent in an attempt to nominate Governor Pinchot and Senator Pepper, both of whom had the indorsement of the Anti-Saloon League. The question of prohibition is made a paramount one throughout the whole United States, and it endorses Senators and Congressmen entirely on the question as to whether they will vote to maintain the prohibition laws, and not on the question of whether they will legislate for the protection and benefit of the citizens. The Anti-Saloon League's funds have been largely contributed by the Steel Trust, the Oil Interests and the Public Utility interests of the country and the senators endorsed by the Anti-Saloon League are usually men who are intimately connected with these trusts and monopolies which are intent on having representatives in Congress to maintain the exorbitant prices on steel, aluminum and other commodities in general use by the people, and which directly or indirectly tax the people. The candidates, favored by the Anti-Saloon League and the large monopolistic interests in the States of Illinois and Pennsylvania, are shown to have been in close alliance with these

monopolists, to which all the people are subject, and there has been no question by the Anti-Saloon League as to whether the general public will be protected against exorbitant charges by the members of Congress which it favors for election, but thoughtful people believe that the question of prohibition is a mere camouflage which is announced to be a great moral issue, under the cover of which smoke screen, the people are charged exorbitant prices for that which they use, and these monopolists can well afford to pay large sums into the treasury of the Anti-Saloon League, and large sums for the corruption of voters in the primary, to maintain in Congress a majority who will do the will of their masters, who desire to maintain prices which are against the interest of the whole people.

The evil effects of the use of liquor affected but a small per cent of the population, whereas the maintenance of unjustly high prices, affects every citizen in the United States.

This is a large price for the citizens of the United States to pay for the great "moral issue" of Prohibition.

CAMOUFLAGE PRAIRIE DOG TOWN

Combinations are made in this country and alliances are established for the purpose of practical politics, and for the purpose of misleading people in regard to their true interests, which are quite similar to the construction of a prairie dog town and the relative functions of the inhabitants thereof. In riding through the Western country, a traveler sometimes finds that his horses hoofs are sinking into the earth, causing the animal to stumble and be in danger of breaking its legs. If the rider has experience in that country, he knows that he is in a village inhabited by Prairie Dogs. On examination he sees that the dogs have made burrows in the earth in which lives the Dog, an Owl and a Rattlesnake.

The Dog is comparable to corrupt financial interests which intrench themselves in secret and safe places. In our times the alliances made on the basis of these financial interests furnish the habitat and support of the Owl, which is the Anti-

Saloon League which claims to be a bird of wisdom and poses in a statuesque manner and gives solemn commands announcing that he is highly moral and absolutely infallible. The Rattlesnake, which occupies the same habitat as the Dog and the Owl, is like unto the Ku Klux Klan, venomous, striking with poisonous fangs in secret in aid of the theocratic authority assumed by the Anti-Saloon League, and venomous and vicious in his garb and mask, by which his acts are done in secret, ashamed of his identity and full of hate, but pretending that his cause is highly moral, patriotic and for the good of the country. The revelations of the Senate Investigating Committee show that the support of the Owl was furnished by the Prairie Dog.

RESPECT FOR LAW

There is a great demand on the part of zealots, who would have others suspect them of patriotism for the enforcement of law—"the enforcement of all laws." Citizens, under a democratic government, who are really patriotic have a common desire to see all valid laws enforced, but the question is, "What is law?" and "What statutes which have the form of law are valid?"

There is somewhere in every sovereign state absolute unlimited and illimitable power, and from the decrees of this power the citizens of a democracy cannot appeal. This power is the will of the people—public opinion. The power, in other words, is the collective body of the people themselves. In a democracy sovereign and subjects are, by definition, the same. The people are concerned in making those very laws which they are bound to obey. To quote John Marshall, first Chief Justice of the United States Supreme Court:

> "The people made the Constitution and the people can unmake it; it is the creature of their own will and lives only by their will. But this supreme and irresistible power to make or unmake resides only in the whole body of the people and not in any subdivision of them."

From Judge Marshall's decision it is evident that no subdivision of the people can make a valid law which is binding on the whole population, without the common consent of public opinion supporting the same. The Preamble to the Constitution declares: "We the people . . . do ordain and establish the Constitution of the United States of America." If a faction usurps the powers of the whole people in making constitutions and laws, the general public is not obligated to obey any lesser sovereignty than is prescribed in the Constitution of the United States; and it is noticeable that people ignore such laws which are not *malum in se*, such as a speed law which limits speed to twenty miles an hour, which is not considered by the general public as binding from the fact that a higher rate of speed in certain localities is not harmful, and a violation of that law is not a crime in itself. Where the requirements of a statute are the same as those of common opinion, the statute is almost universally obeyed. Where the requirements of a statute are stronger than common opinion, it is disobeyed.

The Ten Commandments are the basis of every criminal law which controls something evil in itself. Other statutes which attempt to make actions criminal which are not so in themselves are called prohibitory laws, which may not be binding upon the conscience of the individual, because they do not involve sin, and such laws do not command the respect of public opinion, and are disobeyed.

Laws which are based on untruths such as, "all liquors are intoxicating which contain over one-half of one per cent of alcohol" are subject to disrespect from the fact that they are lies; and that a public statute based upon lies can never receive the respect of an intelligent public; laws founded on wrong and against the liberty of individual freedom or conscience do not secure approval of public opinion and can not be enforced. Laws which tend to adopt the dogmas of religious groups and enforce their edicts upon people who reject these dogmas by the use of public appropriations and govern-

mental police forces are not more valid than would be the adoption of a State Religion, which is prohibited by Article I of the Amendments to the Constitution. Rousseau made a true declaration that any law which was not approved by the people was invalid. In democracies the voice of sovereignty—(Public Opinion) must be obeyed, and the sovereign power in the United States is found in the whole body of the people; and to obey laws which do not represent the sovereignty in our government is as vicious as obeying the decrees of a foreign emperor. In the United States, those statutes which do not represent the popular will are not really laws, and their adoption means only that the mode of representative government has failed, temporarily, to function.

To thousands of the citizens of the United States, any law declaring that Christ did a criminal act at the marriage feast at Cana of Galilee, when he miraculously turned water into wine, or that Saint Paul, when he prescribed wine as a medicine for the ailments of Saint Timothy was acting against a divine moral code, for which our secular statute is a correction and a reproof; such a law is not worthy of respect or obedience. But these laws are the invention of an un-Christian and anti-Christian men who, while professing to believe the scriptures infallibly true, reject the portions of them which do not suit their hobbies; and for this part of their religion adopt the ethics of Mohammed. Good men and women find it necessary, as a matter of conscience' sake to resist all such laws which destroy even the sanctity of the institution in wine of the last supper on His last night on earth in sorrow, which institution was made by Him in the most solemn manner; and these people are justified, as stated by James M. Beck, on page 303 of his "Constitution of the United States": "In this age of individualistic democracy, the average man is apt to recognize two constitutions, one, the Constitution of the State, and the second, an unwritten constitution, to him of higher authority, under which he believes that no law is obligatory which he regards as an excess

of the true powers of government. Of this latter spirit the widespread violation of the prohibition law is a familiar illustration."

Other citizens do not regard the Prohibition Amendment and the Volstead Act as being binding because in passing them it was necessary to violate the United States Constitution, taking from the individual States their sovereignty over matters guaranteed to them in the Constitution.

To test the question—whether the sovereign people of the United States desire to recognize the Eighteenth Amendment as a valid law, referenda are proposed in the various States, but the Anti-Saloon League is opposed to the expression of the will of the people and is inventing every ruse and chicane to prevent such expression, for the League members have no confidence in the people and are determined that the rule of the United States shall be based upon the rare wisdom and high order of virtue which the Prohibitionists possess.

In resisting law, a high quality of patriotism and regard for the public good is shown by such heroes as William Tell and Patrick Henry, and if such men, who have heretofore resisted tyrannies, were eliminated from history, its most romantic, heroic and patriotic pages would be blotted out. Those egotistical persons who desire to substitute their vaunted wisdom and virtue for the will of the people may well ponder the words of President Hadley of Yale, in "The Education of the American Citizen," chapter 3, page 27, where he says:

> "It cannot be too often repeated that those opinions which a man is prepared to maintain at another's cost, but not at his own cost count for little in forming a general sentiment of a community, or in producing any effective public movement."
>
> "The great question is to discover not what governments prescribe, but what they ought to prescribe; and no prescription is valid against the conscience of mankind."—LORD ACTON.

George W. Martin in the Atlantic Monthly for July, 1926, says:

> "Sovereignty was supposed to flow from social contract originally entered into by men when they were in the "state of nature." Under the social contract theory, men as individuals possessed in the *"state of nature,"* certain inherent and inalienable rights. But, once the compact was entered into, the duty was laid upon society, not to impinge on these fundamental rights, for being inalienable they were never surrendered by the contracting parties to the government. If the state did impinge on these reserved and inherent rights of man, it broke a covenant and released the individuals from further duty to obey." "Everybody knows that some rebellions are justified and some laws unjust and that frequently acts have been passed which no earthly power can enforce." "The will of the nation does not arise from the statute book. It is merely recorded there, and if it is wrongly recorded, the records should be corrected as soon as possible, for it has no validity unless it is right. If a law had not the consent of the governed, it was null and void from the beginning, although having the form of law it had not the spirit of law."
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> "Sovereignty really resides in the will of the citizens—not necessarily in a mere majority, for numbers may be counterbalanced by determination, or passion, or intelligence or education—and if the will of the citizens is not sufficiently predominant to overcome opposition and enforce the government's mandates, then they cannot be considered as decrees of the sovereign. The nation is full of such dead-letter laws which have been nullified in whole or in part by the resistance of citizens, but never formally repealed." Three-fourths of the legislatures of the states ratified the 15th amendment confirming the right to vote of Negroes on March 30th 1870—and in Article 14th provided—"But when the right to vote is denied to any of the male inhabitants of such state, or in any way abridged, the basis of representation therein shall be reduced in proportion."

The basis of representation has not been reduced, and it stands a nullity.

The South passed the Fugitive Slave law and the North nullified it.

The legislatures of some of the States without consulting the will of the people, adopted the 18th Amendment and it is being annulled in every one of the forty-eight States. What is the duty of the conscientious citizen? Is it to allow the Constitution, to remain a mockery and a by-word, or to help rid the Government of a law which was adopted against the will of the people through the clamor of impractical zealots in organized lobbies which is subversive of the personal liberties of the people and therefore unenforceable? The war of indignation against the Prohibition amendment has but just commenced to rise. When an inert public is awakened and comprehends that to enforce it will mean the loss of the right of trial by jury, and the guarantees of the IVth Amendment that a man's house is his castle and that he loses protection against unwarranted searches and seizures; then the tidal wave of righteous indignation will rise and wash all this rubbish off our coast, leaving the beach clean as the pure white sand.

CHAPTER XIV

THE ALLIES OF PROHIBITION

THE Prohibitionists have various branches in their organization, the principal one of which is the Anti-Saloon League. Secondary organizations are the Women's Christian Temperance Union and various church societies, among which are the Methodist "Board of Temperance Prohibition and Public Morals." The Knights of the Ku Klux Klan have boasted that they are the secret emissaries and assistants of the Anti-Saloon League.

During the camp meeting at Des Plaines, Illinois, in July, 1926, which is in the "Area" of Bishop Hughes of the Methodist Church, Gail S. Carter "Grand Dragon" of the "Realm" of the Knights of the Ku Klux Klan made an encampment and pitched the tents of the Knights of the "Invisible Empire" adjoining the "Area."

The Knights acted as a fire patrol for the Methodist camp grounds, and attended the sermons of Reverend Raiding Rompel "the two-gun parson" who is now an official of the Anti-Saloon League.

The Klans paraded in masks which concealed their features for the edification of the campers in the "Area" and as they marched sang "Onward Christian Soldiers." And all was harmony between the two camps.

> "A committee of preachers in the City of Herrin, Illinois decided that they wanted to put on a crusade to enforce the prohibition law. They sent a committee to Washington to confer with Roy A. Haynes, the Fed-

> eral Prohibition Commissioner. Mr. Haynes recommended that these friends employ S. Glenn Young (Ku Kluxer, who boasted that he had killed 32 men) to go to Herrin as an enforcer of prohibition. He went. He put pillow-cases and bed sheets on one faction of the citizenship, (the Ku Klux Klan) and began war on Herrin citizens."
>
> "To date the dead are 20, the State Militia has been called out four times, and are still on duty. The cost alone for the last militia occupation has been $200,000 on the taxpayers of the State."

In Mer Rouge, Louisiana, it was developed that two men who were accused by the Ku Klux Klan of drinking some liquor were taken out by that organization and lynched, and their bodies thrown under the cog wheels of a tractor and their bones crushed, after which they were thrown into the lake, weighted down by heavy irons. The evidence was complete, but the terrorism by the Klan protected the criminals.

Like the Mormon Church, the Anti-Saloon League seems to have felt the need of a secret, masked order similar to the "Danites," called "the Destroying Angels," who went forth at the behest of the Mormon Church in the name of God to destroy its enemies, "dealing as avengers of blood with gentiles," and the Ku Klux Klan was used by the Anti-Saloon League for the purposes of terrorism, religious bigotry, and to overawe the people; and as is quoted in Genesis 49, xvii: "Dan shall be a serpent in the way, An adder in the path, That biteth the horse's heels, So that his rider falleth backward."

The connection of the Ku Klux Klan and the Anti-Saloon League is undeniable, as is the connection of various two-gun parsons, who take pride in leaving their churches and leading raids against the homes of persons who were supposed to have wines for their own use. The Anti-Saloon League has made use of all the "Grand Dragons," "Cyclops" and "Imperial Wizards" and "Great Titians" of the "Invisible Empire" of Klancraft, exhibiting at the same time

that this Invisible Empire was a very suitable right army corps of the Invisible Empire of the Anti-Saloon League, which used its mental terrorism and supplemented it by the physical terrorism of "Klancraft." The Ku Klux Klan has played the part of the tribe of Danites, "which biteth the horse's heels in secret so that the rider shall fall backward." Claiming to be the most religious and patriotic of movements in the United States, the Anti-Saloon League has denied the right of government officials to investigate any of their financial affairs by which they influenced the acts of Congress and legislators throughout the United States and employed various members of Congress and State legislatures to make speeches in favor of their political measures, paying for such service in money, thus influencing the acts of Congress and legislatures by the use of money which, they claimed, on account of their religious virtues should not be questioned by any authority whatever. But the revelation has been made, by the Senate Committee and it is so startling that the people of the United States no longer wonder that commercialized reform has cost millions of dollars to enforce a law which is absolutely subversive of human liberty, personal right of choice, and the free will of man.

The Klanspeople take to the Anti-Saloon enforcement, as cruelty and rough treatment is their amusement, and curtailing a man's liberties by force is their joy; terrorism is their delight, and under protection of the Prohibition Law the Klan is protected in its marauding.

Thus the Klan was welcomed to do the rough work of the Anti-Saloon League. Such sentences as "forty days on bread and water" upon four men for their first offense in selling liquor in Nebraska delights the Ku Klux Klan and the Anti-Saloon League, which do not regard the sentence as a "cruel and unusual punishment" forbidden by Article VII of the United States Constitution.

The activities of the Ku Klux Klan in Indiana are illustrative of their connection in politics with the Anti-Saloon

League. The "Grand Dragon" of the State of Indiana in 1923 and 1924 was Stephenson, who through his hooded organization by secret methods dominated the leading party of that State and dictated their nominations for State officers, including the governor and the majority of the legislators. Stephenson in his pride, boasted that "I am the Law, and I am the Power." When the Legislature met, he, together with the Anti-Saloon League, caused the enactment of the "Wright Law" which is one of the most drastic laws in the United States and commands the judges to enforce certain penalties with no discretion on their part, and no choice but to inflict those laid down in the statute regardless of mitigating circumstances. It also gives large fees to private enforcers; and the attorneys of the Anti-Saloon League, under its superintendent, Reverend E. L. Shumaker, made use of the same in prosecutions on their own account in various counties of the State, and have taken as fees large profits by their private enforcement of this law. This law also provides that courts may remove sheriffs and other officers who, in the judgment of the Court, have not been as zealous in the enforcement of the Prohibition Law as suited the Anti-Saloon League. The Wright "Bone-Dry" Law gives the judge most despotic power, as the following shows: ". . . and the Court shall, without a jury hear the charges, and upon satisfactory proof thereof, remove any such officer from a discharge of the duties of his office."

The "Grand Dragon" Stephenson afterwards, assisted by two of his Klan Knights, forced a woman on a train and transported her to Hammond, Indiana. She suffered assaults by Stephenson in the compartment of the sleeper and also in a hotel, and feeling disgraced, she took poison and finally died from the effects of this outrage; and this "Grand Dragon" of the Klan was sent to the penitentiary for life, and his usefulness to the Anti-Saloon League and the hooded Knights has ceased, but the officials that he nominated are yet in office.

The nominating campaign which was managed by Stephenson, through the efforts of the Klan nominated a candidate for governor who was elected; and he, upon the death ot Senator Ralston, appointed Arthur R. Robinson, Senator. Senator Robinson is now a candidate for re-election against Evans Woollen. In the testimony before a Congressional investigation committee, Wayne B. Wheeler said that Robinson had accepted money from the Anti-Saloon League for speeches made in behalf of their measures. Mr. Robinson denied the fact, but afterwards Reverend E. L. Shumaker, Superintendent of the Anti-Saloon League of Indiana produced proof that such fees had been received by Senator Robinson for speeches delivered at various places throughout the State.

KLAN ATTACKS PROTESTANT CHURCHES

The Klan is intent on injuring protestant organizations when they refuse the domination of the "Invisible Empire" and when they tell the truth about the results of prohibition. The "Fellowship Forum" national Klan organ, in its issues of June 26 and July 17th, 1920, made a vicious attack on the "Federal Council of the Churches of Christ in America" and its President, Rev. Dr. S. Parks Cadman. The Forum charges Dr. Cadman with "Romanist Tendencies."

> "A long series of incidents has furnished cumulative evidence to that effect. One peculiarly traitorous blow was struck at the very heart of the Protestant churches by the publication of the report on Prohibition by authorization of the Federal Council. This was last October. At that time one of the recognized militant leaders of the Protestant Dry Cause was moved to comment as follows:"
>
> "What ails the executive and administrative management of the Federal Council of Churches. Did it not know what it was doing when it in fact struck a deadly blow at the interests and morale of the dry Protestant Churches?
>
> "In this connection, also, Mr. Rockfeller, with Mr. Gary, noted steel magnate, and other wealthy men, was

reported last fall to have agreed to a 12-month trial of the Prohibition law, after which, if enforcement was not materially improved, they would sanction modification of the law—which is just what Romanism and Rum are working for. This startling story was made public at about the same time as the famous report of the Federal Council which created such a furore among really dry, protesting Protestants, and which was repudiated by the Methodist Board of Temperances and Morals and other Protestant bodies."

"JESUITRY IN DISGUISE."

"Dr. S. Parks Cadman, President of the Federal Council of Churches should resign his position of honor, renounce his alleged Protestantism and embrace the paganistic practices of Roman Catholicism. For Dr. Cadman is no longer Protestant."

The Ku Klux Klan would rule the 26 Church organizations which compose the Federal Council by terrorism if its shrouds and pillow slips are awe-inspiring, and if the Federal Council will not "pussyfoot" to the Klan's music.

CHURCH AND STATE

Wayne B. Wheeler, General Attorney for the Anti-Saloon League, in an article on prohibition in "Liberty" July 10, 1926, writes:

"No one suggests any union of church and state. Separation of church and state does not even remotely imply that Christianity disfranchises its adherents and that only the godless, profane, and unregenerate should participate in public activities and that the church and its ministry should not express themselves as the moral leaders of the nation when the policy affecting our moral life is under discussion."

"The liquor group have vainly sought to give a moral tone to their propaganda against prohibition. They have sought to camouflage their pleas for beer and wine with a claim that these would make for temperance. They have vainly tried to pose as the champions of morality. It is curious that the roll of the dry advocates contains

the names of many who, throughout their lives, have sacrificingly stood for morality and service, as Evangeline Booth, to name but one, while such names are conspicuous by their absence from the wet group."

Mr. Wheeler might have well named another great religious leader, Mrs. Aimee Semple McPherson of Los Angeles, who has borne testimony to her great sacrifice in standing for prohibition and also against the teaching of evolution, for she has said that after she had declared for prohibition and against the teaching of evolution in the schools, the devil concluded to "get" her and caused her kidnapping and abduction and detention in a shack in Mexico, where three of the devil's emissaries held her for ransom and tortured her by burning her hands with cigars; but through the intervention of the Almighty she made her escape and returned to her people walking on a path of roses, which her worshippers had prepared, while her followers kissed the hem of her garment as she took her place in the Temple. She, as a "moral leader" of the nation above referred to, found that during her absence, on a Sunday, a subscription of $15,000 had been taken up in her temple; and, of course, following the dictum of Mr. Wheeler, Christianity will not disfranchise the "Reverend Aimee," because that would imply "that only the godless, profane, and unregenerate should participate in public activities, and the church and its ministry should not express themselves when our moral life is under discussion." Many of the "moral leaders" of the nation could be listed who have thus stood "sacrificingly" for morality and service, and they as a group may be compared with the "godless, profane, and unregenerate," who are opposed to prohibition.

Another of the Anti-Saloon leaders who gives a "moral tone" to prohibition is the Rev. J. Frank Norris of Fort Worth, Texas, who is a Klansman, a "fundamentalist" and assisted the author of "The Prince of Peace" in the prosecution of the Scopes case to prohibit the teaching of a science

in the schools of Tennessee. He lectures on Prohibition, Fundamentalism and Klan Kraft. The Rev. Norris agrees with Rev. "Aimee" that when Christ instituted the "Lord's Supper," and commanded his followers to drink "wine" that he meant "grape juice." Rev. Norris also says that "Thou Shalt Not Kill" has no validity when applied to an "unregenerate" man who would go to hell anyhow, without being pumped full of lead. Rev. Norris edits the "Searchlight" and under its fierce rays exposes the sins of the "godless, profane,

He, and the Rev. Aimee differ in one respect: the Rever-
and unregenerate."
end Madam is the priestess in a "Temple" where she heals people even when they are financially unable to present her with an "honorarium."

The Reverend Norris lectures in a building called a "Church." He has a baptistry in which he immerses those who are "foreordained to be saved" and in a drawer he conceals a gun which sends the "unregenerate" to his future punishment.

In the centuries before the Universal Church divided, every church was a "Sanctuary" or a "sacred and inviolable asylum or place of refuge and protection where criminals found shelter, and from which they could not be forcibly taken without Sacrilege."

Since Reverend J. Frank Norris has asserted that Christ did not command the use of wine in the Sacrament and substituted Prohibition therefor, it is easy for him to reverse the command of Moses and nullify "Thou Shalt Not Kill" in the old law, and preach on "The Right of Self-defense" and the Ku Klux Klan gives him all the comfort of their approval in their national organ, because he is a "Klansman-Prohibitionist" and as a Minister and a "Moral Leader" of the nation has expressed himself "when the policy affecting our moral life is under discussion" with the result that there is one less "unregenerate" on earth.

The suggestion of the union of church and state is certainly emphasized by the action of the church, which appeared, by the Associated Press, as follows:

METHODISTS TO BOYCOTT FAIR

"Philadelphia, Pa., July 10, 1926.—A nation-wide endeavor to have Methodists boycott the sesquicentennial exposition because its gates are open on Sunday was under way today.

Headed by Bishop Joseph F. Berry, senior bishop of the Methodist Episcopal church, the plan calls for sending letters to 4,000 ministers of his denomination, signed by himself and seven other bishops, urging the clergymen to advise their congregations never to go near the exposition as long as it remains open on Sunday. The first of the letters were to be mailed today.

Bishop Berry declared that he represented 50,000,000 Christians—

"God-fearing people, who regard this iniquity as an insidious attack on the traditional American institution—the holy sabbath."

In co-operation with the Methodist bishops' proposed boycott the "Fellowship Forum," the organ of the Ku Klux Klan, of July 10, 1926, in an editorial says:

"CHURCHES AND FRATERNITIES JOIN IN DENOUNCING SESQUI"

"In disbarring the largest strictly American patriotic organization from official recognition and right to attend the celebration in a body, coupled with the decision to operate full swing on Sundays, even including the 'midway' amusements, the Sesqui-Centennial committee has just about swung the finishing blow to the 'solar plexus' of the already staggering celebration."

In further comment, the editorial continues:

"The Sesqui-Centennial Committee has not only gotten in bad through its reprehensible action of double-crossing the Klan, but by voting to throw open its gates on Sunday, has brought down the denunciations of practically all Protestant church bodies and the Patriotic Order Sons of America. Indignation and protest meetings continue to be the order . . . by prominent

> Protestants and patriotic fraternalists further emphasize the indignation felt at the delivering of the so-called patriotic celebration into the hands of anti-Christian, anti-Protestant, anti-American profiteers."

Agreeing with Mr. Wheeler that the action of the Anti-Saloon League is not to be construed as a joining of church and state, Charles B. Lewis, "IMPERIAL REPRESENTATIVE AND GRAND DRAGON OF THE REALM OF PENNSYLVANIA," delivered an address on the principles of the Order, at Boylestown, Pennsylvania, in which he said:

> "The Klan is not a religion, as many seem to believe, but it is a unified movement for better attendance at some church for all Americans. It is one of the aims of the Klan to have every Klansman belong to some church and lead a Christian life."
>
> "In this case the 'Imperial Representative' told the truth, that the Klan is not a Religion as in accordance with Holy Writ, I John 3 xiv, xv:
>
> "We know that we have passed from death into life, because we love the brethren. He that loveth not his brother abideth in death.
>
> "Whosoever hateth his brother is a murderer, and we know that no murderer hath eternal life abiding in him."

And 1 John, 2 xi:

> "But he that hateth his brother is in darkness and walketh in darkness, and knoweth not whither he goeth, because the darkness hath blinded his eyes."

The above is a vivid description of the Ku Klux Klan, which delights to walk in darkness, under a mask, and do evil deeds of violence against his brother, and his ignorance of truth, right, and justice, "hath blinded his eyes."

The Klan's main tenet is "Hate every man ~~who~~ is not ~~'white~~, gentile, and American Protestant,'" and they ~~con~~trive all ~~sorts of wrong against~~ him and his natural liberties under the divine law.

They are perfectly willing, however, although not a religion, to assist Prohibitionists and certain sects to dictate, coerce, and boycott the Government, etc., to compel the Gov-

ernment to do the will of these sects. The association and support of the Ku Klux Klan has been found unpopular and disadvantageous, and Bishop F. J. McConnell of Pittsburgh wants it disavowed and he advised the Board of Bishops of the Methodist Church at Washington on March 8, 1926: "It is time the Church stopped 'pussyfooting' in regard to the Ku Klux Klan and other organizations who stir up hatred."

We shall see if the "pussyfooting" will be discontinued.

The proper estimate of the Klan and those who endeavor to join Church and State, with the Church directing is given by Prof. Longacre, as follows:

RELIGION

HE THAT COVERNS HIMSELF AND ANOTHER MAN WITHOUT HIS CONSENT IS A TYRANT

> "A legal religion can only beget habits of hypocrisy and engender insincerity and strife. Christ was a Saviour and not a policeman. He ordained ministers to preach a gospel of love and not sheriffs to execute vengeance upon the evil doers. I have no faith in political preachers who would substitute the policeman's club for the cross of Christ. Nor have I faith in a church creed that substitutes the force of the law for the power of love."

So declared Prof. C. S. Longacre, International Secretary of the Religious Association, in his address at Bethany Park Assembly of the Indiana Conference of Seventh-day Adventists.

Prof. Longacre, who has his headquarters in Washington, D. C., is one of America's champions of civil and religious liberty, and keeps in constant touch with the moves of so-called reformers before Congress.

> "The Sunday Blue Laws are a relic of a dead past, when the church and state were united. They have hindered the progress of true civilization and real preaching of the gospel, and of those who seek to uplift humanity by gospel means and methods. I am also opposed to the attempts made by political preachers and profes-

sional reformers who are trying to Puritanize America and to drive people to church by force of civil authority."

Professor Longacre asserted that "There are more than twenty religious organizations which have strong lobbies established at Washington to bring pressure to bear upon Congress for the purpose of enacting their religious ideas and convictions into law." He mentioned the Lord's Day Alliance, National Reform Associations, and International Reform Bureau as among these organizations, and declared that several ministerial associations were also included.

"They are trying to shift the responsibility of church discipline upon the shoulders of the state and are seeking to establish the kingdom of God in the realm of law in Washington instead of in the hearts of the people by means of the grace of God."

"They are trying by every hook or crook to undo the grand work of the fathers of the Republic, and to deliver us, bound hand and foot, to the tender mercies of religious hierarchy, whose mission it is to enforce upon all men their ideas of Christianity and of Christian signs, usages, and customs, by resorting to the enactment of religious laws."

"If the church does not stay out of politics, she is going to lose her prestige and may ultimately be driven out and suffer a reversal of her influence. Americans will stand a certain amount of repressive legislation; but when the church and state combine to force the conscience in religious matters, Americans say: 'Hands off.' Religion has no value unless the conscience is left free to accept it."

"When religious obligations and observances become a matter of compulsion, the conscience is shackled, and a man's religious profession when forced becomes a cloak of hyprocrisy. A man's duties toward God and religion must be voluntary and emanate from the heart in free will service before such service is acceptable in the sight of God. Only the power of love has a right to dominate the heart in religious matters. Heart religion alone is of value to God. Christianity is founded on the teachings of Christ. As the Scriptures saith: 'Hath thou faith? Have it unto thyself before God,'

No man has the divine sanction to make his conscience the criterion for another man. As Lincoln said: 'He that governs himself is a man, but he that governs himself and another man without his consent is a tyrant.' ''

THE CHURCH AND THE LAW —A PROTEST—

BY THE RT. REV. CHARLES FISKE, D.D., EPISCOPAL BISHOP OF CENTRAL NEW YORK

''There are hopeful signs that many enthusiastic supporters of recent legislation are beginning to cherish healthy doubts as to the wisdom of changing the Church's charter and making it a moral policeman instead of a moral teacher.

The failure of Prohibition in many sections of the country is at least halting the moral reformers of America in the agitation of further efforts through statutory enactment to impose their own standards upon all men and invoke the aid of the civil authority in support of their own ethical code. An increasing number of people has begun to see that moral reform, if it is to be permanent and effective, must come from within; it cannot be imposed from without.

* * * * *

The real business of the Church is to make men's hearts right, and then trust their enlightened consciences somehow to solve their civic duty.

* * * * *

Because the problem we wish to solve is a problem of civil authority, good Christians may hold widely differing views as to the wisdom of recent legislation—and be good Christians still.

* * * * *

There are those who believe that the State has no right to interfere with their personal preferences in the matter of alcoholic drink because Jesus Christ did not declare the use of such beverage a sin—on the contrary He actually used fermented wine in the institution of the Holy Communion.

There are actually some who feel so strongly that the Volstead Act is a lie and a tyrannnical piece of legislation that they justify disobedience of it. Some there are who believe this legislation un-Christian in spirit.

* * * * *

Shall we banish all such from the Christian fellowship; or make their stay so uncomfortable that they feel obliged to depart of their own accord?

Dare we do this if they sincerely believe that their position is loyal to their Lord's teaching?

* * * * *

There are those who feel that extreme legislation is to be deplored because in spite of any good the law has accomplished, it has made drinking conditions worse than before, even if limiting the number of drinkers has increased the use of strong distilled liquors (often dangerous and poisonous) especially among the young.

* * * * *

Shall they be denounced as immoral "wets" for whom there is no place in the society of faithful Church members?

* * * * *

I may not read aright the thoughts of those who are outside of the Christian fold, but my impression is that they are becoming hardened in an opposition to organized Christianity by the feeling that it does not really represent the spirit of the Master.

They were once outside because they were doubtful or questioning. They are now outside because they find the methods of Protestant Christianity distasteful and repellant." —*Harper's Magazine,* May 1926.

CHAPTER XV

RESPONSIBILITY OF THE SOUTH

JEFFERSON DAVIS ON PROHIBITION—IDEALS OF SOUTHERN STATESMEN—BEAUREGAARD—BENJAMIN, FATHER RYAN—THE KLAN—REPENT.

THE early statesmen of the South were the developers of the full theory of local self-government, and of individual liberty and the liberty of conscience.

The author of the "Declaration of Independence" was a Southerner—and Southerners took the most active part in framing the ten amendments which constitute the Bill of Rights in the United States Constitution which are definitions of the rights of the States, the rights of the person, and provide safeguards against encroachments on the same,—that the benefits of local self-government may be secured.

The motto of these Southern pioneers of Democracy was "The greatest liberty of the individual consistent with public order."

The Southern ideal of government was adopted by our nation, and its adaptability to the needs of man, its production of happiness, harmony, and prosperity among people, has been the marvel of the world.

But of late seducers have entered and have sown discord, have bred schism, and have tried to entice the Southern people into the belief that the surrender of local self-government in regard to the management of the liquor question—Prohibition—would be best if abandoned to the national government.

The general principles of the Southern statesmen have been abandoned, and so, also, has the specific advice as given by the President of the Confederacy.

JEFFERSON DAVIS ON PROHIBITION

Jefferson Davis, President of the Southern Confederacy, had the following to say about Prohibition:

> "I will briefly answer the inquiry in regard to the Prohibition Amendment at issue. 'Be ye temperate in all things,' was a wise injunction, and would apply to intolerance, as well as to drunkenness. To destroy individual liberty and moral responsibility would be to eradicate one evil by the substitution of another, which it is submitted would be more fatal than that for which it is offered as a remedy.
>
> "Local prohibition is the wooden horse in which a disguised enemy to State sovereignty as the guardian of individual liberty was introduced. Then let it be a warning that the progressive march would probably be from village to State and from State to the United States—a governmental supervision and paternity, instead of the liberty the heroes of 1776 left as a legacy to their posterity."

The adoption of prohibition has verified Mr. Davis' prediction. "Individual liberty," and "moral responsibility" have been destroyed, the "reserved rights" of the States guaranteeing "local self-government" have been wrested from the people, by both the Prohibition and the Woman Suffrage amendments.

Mr. Davis pronounces "State Sovereignty the guardian of individual liberty," and he predicted "a governmental supervision" instead of liberty.

It is amazing that any sons of the South should advocate and adopt the rank heresies which their fathers fought as the greatest enemies of democracies.

The demoralization wrought by Prohibition will bring many back to realize that the best government for domestic affairs is the local State government.

THE IDEAL SOUTHERN HOME OF THE PAST

That ripe scholar, J. L. M. Curry, in his "HISTORY OF THE GOVERNMENT OF THE CONFEDERATE STATES" gives a beautiful picture of home life in the old South:

"A plantation was a little kingdom, presided over by husband and wife, betwixt whom there existed mutual respect, deference, admiration, and love. In the household gathered respectful, obedient, loving children. . . . Those who dominated were intelligent, masterful, patriotic,—loving home, kindred, State and country, dispensing a prodigal hospitality.

"Among girls, refinement, modesty, purity, and a becoming behavior, were the characteristic traits; among boys, courtesy, courage, chivalry, respect to age, devotion to the weaker sex, scorning meanness, regarding dishonesty and cowardice as ineffaceable stains. Their education was respect for women, riding, hunting, speaking the truth.

"Poetry and romance have yet to portray in truthful colors the attractions and beauties of the Southern home now of the irrevocable past."

Since the South has accepted an invasion of the Rights of the States and the overthrow of Local Self Government at the behest of its political preachers, and has been dominated by the Federal Government in Prohibition and Woman Suffrage, the beautiful picture has changed, as related in "Harper's Magazine" for June, 1926 by Douglas Aikman, a southern journalist, in a description of the "AMAZONS OF FREEDOM."

Mr. Aikman shows that the "Amazons" are products of Prohibition and Suffrage, and are not "elevating and purifying" politics as was promised by Prohibitionists to coax the Legislatures to ratify Woman's Suffrage.

Mr. Aikman interviewed an "Amazon of Freedom":

"'What was the good of this equality stuff,' she questioned in her most equalitarian argot, 'if it didn't bring home the bacon?' Her boy friends relished liquor, tobacco, profanity, *risque* stories and a degree of amorous experiences not necessarily leading to the altar. The flapper tried them all, and found, with about as many individual exceptions as have occurred, historically, among males, that their traditional thrills had been veraciously represented. It merely happens that American political development *fails to interest her.*

"I fancy after a brief survey of the discrepancies be-

tween liberal traditions and current prohibitions and their enforcement, she has concluded that such an hypocritical chaos is unworthy of a sane young woman's interest. However, I encountered her on a dull afternoon when there was nothing better to get excited about than the season's newspaper polls on prohibition. 'What did they mean,' she inquired of male authority, 'by all of this light wine and beer stuff?'

"In my best academic manner, I explained the project of amending the Volstead Act, and the difficulties of reconciling any really satisfactory amendment with the Eighteenth Amendment.

"She listened wanderingly. 'How tiresome,' she said, when I had finished. 'Now if you will promise never to mention such complicated matters to me again, I'll give you a drink.'

"To her, liberty is merely a matter of being able to get a drink when she wants it, of being able to dance on the Sabbath, and to burlesque the town's current revival, whether there be any law against it or not.

"She is too practical, too disillusioned, to be concerned, like her Suffragette aunts, with a liberty meticulously guaranteed by Statutes and Constitution. She demands a liberty which "works," regardless of the current fashions in legal phraseology, and by asserting it, she gets it."

The Family, as "the Unit of Society" all over the United States, has been destroyed. The holy trinity of the Father, the Mother and the Child is abolished. It was accomplished when we substituted Federal authority for State local self-government, and Jefferson Davis' statesmanship has been vindicated and justified.

Our only safety is to return to the old faith of the Fathers and rest on the full rights of the People.

It is the duty of the South to recant this political heresy, re-avow allegiance to democratic principles, and destroy the "wooden horse" as described by President Davis, in which is concealed a disguised enemy to State Sovereignty, and individual liberty.

In the light of experience and actual facts, Richard Heath

Dabney, Professor of History at the University of Virginia (which was founded by our patron political saint Thomas Jefferson) writes in The Chicago Tribune, Sept. 5, 1926 as follows:

> "It is a delusion to suppose that all opponents of the eighteenth amendment are mere boozers who desire cheaper beer or whisky. Among them are many who are temperate and some who are total abstainers from alcoholic beverages, but who vehemently resent the unconstitutional interference with their personal liberty under the guise of a constitutional amendment. There are many who could easily do without alcohol for the rest of their lives, but who are indignant and alarmed at the threatened destruction of the federal feature of our government. That feature is the greatest contribution of the American people to the art of government. It enables a vast country to maintain unity amid diversity, to present a united front to foreign foes, while preserving local differences and individual freedom. The federal principle was, of course, not invented in America. It was tried in several Greek confederacies, in Switzerland, in the Dutch republic, in the North German confederacy and in the German empire. But its most conspicuous success on the greatest scale has been achieved in the United States, and this American success has led to its imitation in Canada, Australia, South Africa and the British commonwealth of nations. Yet now it is in danger of withering and dying in the United States, its real home. The eighteenth amendment is a deadly blow, aimed at its heart. This unconstitutional sumptuary statute, masquerading under the aegis of the constitution and upheld by a strange alliance of preachers, moonshiners, bootleggers, manufacturers of 'soft drinks' and other seekers after the dollar, is a precedent which threatens to convert our federal system into a great consolidated despotism where organized minorities of faddists and fanatics, terrorizing pusillanimous politicians, may yet ride rough-shod over the corpse of local and personal liberty."

May I be permitted to counsel with Southerners as brothers? My ancestor arrived in Massachusetts in 1635 and his de-

scendant in 1686 went to Rhode Island for fear of the Ku Klux then existing, who threatened his branding or the severance of his ears because of differences of forms of worship.

Remaining briefly in Rhode Island, my ancestors removed to Virginia, and there remained until some time after the Revolution.

In the Revolution my Grandfather's grandfather "John Hubbard," served as Midshipman for three years in the Virginia navy, and is shown to have been awarded 2066 acres of land, by act of Congress, in recognition of valiant services. From Virginia my people removed to Stokes, thence to Guilford County, North Carolina, where we remained until 1818. From thence we removed to Indiana. My grand-parents and parents were Southerners—they fought and strove for the same ideals of government, they worked and lived under the same social and economical conditions, and have imbibed and assimilated Southern ideas, traits and sympathies. We are all proud of our political ancestry. The names of Washington, Lee, Jefferson, the Pickneys, Madison, Mason—original architects of Democracy—will forever adorn the pages of history with a luster unsurpassed by any other heroes or statesmen. The whole world, not less than ourselves, owe them a debt of gratitude for the model furnished by them in this government.

As time elapses, thoughtful people come to understand that the people of the South were loyal to the Federal Constitution in the spirit in which it was formed, adopted, construed, and enforced for 75 years, and that they were sincere in insisting that the Constitution be maintained as it was originally drawn, as is stated by Prof. Curry in his "History of the Government of the Confederate States":

> "Our Constitution is not a mere temporary expedient. It exists in full force until changed by an explicit and authentic act, as prescribed by the instrument, and, in its essential features, is for all time, for it contains the fundamental principles of all good government, of all

> free representative institutions. Among these requisites, unalterable by changing conditions of society, are *individual liberty,* freedom of labor, of human development, *rights of conscience,* equality of the States, . . . the healthy action of concurrent majorities, . . . and *local self-government.* . . . The people are ultimately the source of all political power, and the powers delegated are in *trust* alterable or terminable only in a legitimate and prescribed manner. Changes cannot be made to conform to a supposed moral sense or to new environments. . . ."

The leaders of the Confederacy, after it had become the "Lost Cause," were anxious that the people of the World should not misunderstand their motives, which are defined above;—the maintenance of "the fundamental principles of all good government" among which are "individual liberty, freedom of labor, of human development, rights of conscience, equality of the States, the healthy action of concurrent majorities, and local self-government."

Public opinion throughout the World had commenced to crystalize on the thought that these were the motives which animated the South in its war for Secession, and that its people still cherished those principles and would strive for them within the Union for the betterment of the Nation. But when the South vehemently assisted in encroaching on "Individual Liberty," and the rights of the States for "Local Self-government" by the adoption of the Prohibition Amendment all people knew that "States Rights" and "personal liberty" were meaningless phrases to Southern politicians, and had been used falsely for deception, or had been treacherously abandoned.

The heresy and evil of Prohibition, and the dire results to which it leads, are not considered by the prohibition preachers, and the wisdom of Jefferson Davis on the subject has been rejected.

The conclusion is irresistible that if Jefferson Davis was right, the Prohibitionist preachers are wrong, and the evi-

dence is now clear that Prohibition has produced evil results which Jefferson Davis did not dream of. When the South assists in breaking down the rights of the States, as described in this work, they are tearing away the roofs which shelter their own heads for political security, and will later on reap the full fearful results which will come to them for such perfidy.

The World has heard amazing reports which originated in and emanated from the South:—That there has been organized a secret political society called the "Knights of the Ku Klux Klan," which calls itself the "Invisible Empire," and assumes to be a super-power governing over democracy, by secret methods, nullifying the will of the people, and assuming sovereignty over intimidated majorities in fear of its mobocracy.

This is absolutely a contradiction of the theories of government, as defined by the fathers of the Confederacy, who desired the World to feel that they were actuated by the highest political motives for the good of humanity.

If any "Knight" is a descendant of a Confederate, he could not do more to disgrace his honorable sire, and discredit him before the world and form a contrast to the character of Southern boys of former generations. If "Klanism" dominates the majority of the South, theirs is really a "lost cause." The Klan is not Southern in spirit, as it is opposed to "personal liberty" and "religious liberty" embraced in the "rights of conscience." As supporters of an "Invisible Empire" they are traitors to an open Democracy, and the old Confederate leaders would not allow them to sit in a Democratic convention.

The Ku Klux Klan's aim and object is to persecute the Jew, Catholic, Negro and foreign born, and deprive them of civil and political rights.

In pursuing this policy the Southern Klansman is an ingrate in the deepest degree.

General George Washington accepted the volunteered serv-

ices of Von Steuben, Marshall of the Hohenzollerns of Prussia. He is called by the Klan "foreign-born, a Hun and a Catholic," and worse, still, he was educated by the "Jesuits."

Steuben, as we now name him, trained our Revolutionary army, enabling it to defeat the army of George III, and gain our independence. Steuben compiled and wrote a Manual for the army entitled "Regulations for the Order and Discipline of the Troops of the United States," which came into general use and is the basis of all following regulations. The principles of "Steuben's Manual" were followed by Confederate generals, but the Klan gives no credit for that which assisted their grandfathers. George Washington did not reject the services of Steuben for the reason that he was foreign-born, or Jesuitically educated, and Jefferson Davis accepted his military manual.

Judah P. Benjamin was born of Jewish parents and he was selected by Jefferson Davis as Secretary of War and of State, and Attorney-General. His selection for Secretary of State was due to his great ability in diplomacy, his untiring energy and unwavering loyalty, all of which he gave the Confederacy, until its overthrow, when he was compelled to flee to save his life.

"During the entire life of the Confederacy Judah P. Benjamin was one of the constitutional advisers of the President, and in the days of hopes deferred and disappointment, when Confederate agents were so active in trying to secure foreign recognition and intervention, he was at the head of the State Department, with hands fettered, it is true, but displaying enormous energy and capacity. Benjamin was born of Hebrew. . . . He studied law and secured a large and lucrative practice. In the Supreme Court of the United States, he could fitly be compared with Wirt, Pinkney, Carter, and Choate. . . . Calm and courteous in manner, with a voice as musical as silver bells, with marvelous lucidity of statement and power of analysis, with minutest acquaintance with every detail of facts and principles, with merciless logic, exposing sophistry, in precise and guarded language, charging misrepresentation, evasion, and pervasion, every sentence a rapier thrust bringing blood; holding auditors in breathless attention. . . . With much perseverance . . . and physical endurance after sitting up all night, he was fresh the next morning. . . . With the versatility of a self-originating

intellect, a retentive memory . . . strongest conviction of the rightfulness of the Confederate cause he managed matters committed to his hands, when the house was tumbling about his ears, with a cheerful courage and hopefulness that made him a wonder and stimulating example in time of adversity and peril."—J. L. M. CURRY—"Civil History of the Government of the Confederate States."

Klansmen evidently have not heard of General Pierre Gustav Toutaut Beauregard, who was also an eminent engineer, and built the fortifications at Mobile and New Orleans. He resigned from the superintendency of West Point Military Academy in 1860, and received an appointment from President Davis. He opened fire on Fort Sumter and commenced the Civil War. He served in the Confederate army for four years, two months, and six days. He was a Catholic in full faith and practice. He was honored and trusted by the Fathers of the Confederacy, and in turn he honored them and their cause.

Yet the disloyal and ungrateful Klan of to-day, anathematize him and declare that he would be an unfit candidate for President.

When the war opened a famous battery came from New Orleans called the "Washington Artillery." Its motto was *"Pro Deo et Patria"*—which is the sentiment of every Catholic as taught by the Church.

This battery was noted for its efficiency and the firmness with which it held the Confederate lines, deciding some of the most critical battles.

The Klansmen have forgotten this battery and its Catholic motto expressing their loyalty as citizens.

Klansmen have never heard of Rev. Abram Joseph Ryan "the most conspicuous poet of the Southern conflict"—as stated in the "International Encyclopedia." He wrote their war songs, their battle songs—your songs of consolation—and the great imperishable poem, "The Sword of Robert Lee." He was appointed Chaplain by Jefferson Davis, and was faithful in his loving ministrations to wounded and dying soldiers of all sects, for his principle differed from the

Klans as he believed that "God is not a respecter of persons."

There is one group conspicuous during the Civil War that the Klan has not forgotten; but extends to it their hate, their villification, and falsification, namely,—The Nuns of the Orders of the Sisters of Charity and of the Sisters of Mercy, who for "the cause of Christ and of His poor, sick, old, ignorant, and degraded, had forsaken all, and to serve Him had taken vows of celibacy, poverty, and obedience."

When the bugles called for war these Sisters were not conscripted,—they were already "enlisted in the Cause of Christ." They poured forth, supplied with medicines, bandages, and delicacies, largely prepared by their own hands, with no charge to the government. They established hospitals, with snowy cots, to receive the soldiers of the South who were torn by shells or riddled by bullets. They nursed them tenderly, brought them back to health, gave the consolations of a mother's love in their last hours, and faithfully sent their death messages to their mothers. No discrimination was used between sects,—all they knew was the wounded man who was a Child of God.

THE KLAN NOT SOUTHERN IN PRACTICE.

While the Klan was originated in the South, it is unlike the South. Its inventor was a man whose name sounded something like "Persimmons." By nature he was sour, acrid, bitter, and, to make the air of unreality still more unreal, he invaded the realm of Heathen Mythology and took his titles from the nether regions of the underworld. The novelty of the "Invisible Empire" was a success in attracting members, and its inventor, after acquiring a fine palace, sold out for a large sum. A transfer of the control was made to a Texas dentist, who became the "Imperial Wizard" and assumed to be the infallible instructor and judge of the people. There is nothing particularly mysterious about his "Wizardry."

It seems to be the plan of the Klan to divide our people by hate, and, thus divided, enable monopolistic forces to conquer. The Klan has perverted the entire political creed as formerly held by the people of the South, and if your country is to be saved for those principles, it is necessary for the voters to choose between the leadership of Davis, Toombs, Benjamin, etc., and Evans, Upshaw, Rev. Norris, etc.

The South has not had enough politics, and it needs more active political discussion and action, for "eternal vigilance is the price of liberty."

The best element in the South can vindicate itself and the immortal principles of Democracy, and overcome an "Invisible Empire."

Let us encourage the glorious hope of such a victory that we may establish and maintain for all time "**An Indivisible Union of Indestructible States.**"

DEI GRATIA

APPENDIX

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I ON CHANGE OF CONSTITUTION THOMAS JEFFERSON

III GOVERNMENT SHOULD BE RESTRAINED BY CONSTITUTION DANIEL WEBSTER

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JEFFERSON ON CHANGE OF CONSTITUTIONS

"Some men look at constitutions with sanctimonious reverence, and deem them like the Ark of the Covenant, too sacred to be touched. They ascribe to the men of the preceding generations a wisdom more than human, and suppose what they did to be beyond amendment * * * I know that laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manner and opinion change with the change of circumstances, institutions must advance also, and keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy, as to require civilized society to remain ever under the regimen of their barbarous ancestors. It is this preposterous idea which has lately deluged Europe in blood. Their monarchs, instead of wisely yielding to the gradual change of circumstances, of favoring progressive accomodation to progressive improvement, have clung to old abuses, entrenched themselves behind steady habits, and obliged their subjects to seek through blood and violence rash and ruinous innovations, which, had they been referred to the peaceful deliberations and collected wisdom of the nation, would have been put into acceptable and salutary form. Let us follow no such examples, not weakly believe that one generation is not as capable as another of taking care of itself, and of ordering its own affairs."

—THOMAS JEFFERSON TO SAMUEL KERCHEVAL, 1816.

GOVERNMENT SHOULD BE RESTRAINED BY CONSTITUTION

"The quantity of liberty in any country is exactly equal to the quantity of restraint, because if the government is restrained from putting its hands upon you, to that extent you are free, and all regular liberty consists in putting restraint on government and individuals so that they shall not interfere with your freedom of action and purpose. If you wish to secure entire personal liberty, you must multiply *restraints* upon the government so that it can *go no further* than the public good requires. Then you may be free, but not otherwise."

EDMUND RANDOLPH

A Delegate from Virginia to the Constitutional Convention.

(Declined to sign completed Constitution).

"My opinion always was, and still is, that every citizen of America, let the crisis be what it may, ought to have full opportunity to propose, through his representatives, any amendment which in his apprehension tends to the public welfare. By signing, I should have contradicted this sentiment."

JOHN DICKINSON

Delegate to Constitutional Convention.

"By a gradual progress, we may from time to time *introduce every improvement in our constitution*, that shall be suitable to our situation. For this purpose, it may be advisable, for every state, as it sees occasion, to form with the utmost deliberation, drafts of alterations respectively required by them, and to enjoin their representatives, to employ every proper method to obtain a ratification . . ."

". . . It cannot be with reason apprehended, that Congress will refuse to act upon any articles calculated to promote the *common* welfare, though they may be unwilling to act upon such as are designed to advance *partial* interests."

DANGER OF AMENDING CONSTITUTION

RICHARD HENRY LEE, of Virginia, October 1787, nominated delegate to Constitutional Convention, said:

"No measures can be taken toward amendments, unless two-thirds of the Congress, or two-thirds of the Legislatures of the several States shall agree * * * But when power is once transferred from the many to the few, all changes become extremely difficult, the government in this case, being beneficial to the few, they will be extremely artful and adroit in preventing any measures which may lead to a change; and nothing will produce it, but great exertions and severe struggles on the part of the common people.

"Every man of reflection must see that the change now proposed, is a transfer of power from the many to the few and the probability is, the artful and ever active aristocracy, will prevent all peaceful measures for changes, unless when they shall discover some favorable moment to increase their own influence."

POWER TO MANAGE OWN AFFAIRS

"I think I see a free and independent State delivering up that which all the world hath been fighting for since the days of Nimrod; yea, that, for which most of all the empires, states, principalities and dukedoms of Europe, *are at this very time engaged in the most bloody and cruel wars* that ever were; to-wit, *a power to manage their own affairs by themselves, without the counsel and assistance of any other* (State)—*Lord Belhaven in the Scottish Parliament on the abolition of the Scottish Parliament about* 1706.

NOTICE

To those persons who are convinced that a change is necessary in the method of amending the CONSTITUTION of the United States, you are advised that an organization is being formed for such purpose, and that you will be welcomed as an original member of the same.

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